The City Council of the City of Raleigh met in regular session on Tuesday, March 20, 1984, at 1:00 p.m. in the City Council Chamber of the Municipal Building with the following present:

Mayor Upchurch, Presiding
Ms. Babb
Ms. Block
Mr. Calloway
Mr. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order and invocation was rendered by the Reverend William Jeffries, Longview United Methodist Church, after which the following matters were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

PARKS AND RECREATION SPECIAL POPULATIONS PROGRAM - VARIOUS RECOGNITIONS MADE

Mayor Upchurch called on William Bagliani, president of RESCO for a presentation. Mr. Bagliani presented a check in the amount of $1,000.00 to be utilized in the Wake County Special Olympics Program which is sponsored by the Raleigh Parks and Recreation Department Special Populations Program. Mayor Upchurch pointed out that this is the largest single contribution by an individual or company to date to this program. Joe Frangiosa, representing the Triangle Italian-American Heritage Association, was recognized and Mr. Frangiosa presented a check in the amount of $525.00 to be utilized for the Special Olympics Program.

Mayor Upchurch also recognized Don Allender, manager of an adult group home for mentally handicapped and representatives of Fairmont Methodist Church, pointing out the church gave the City of Raleigh a 1965 Chevrolet bus and Mr. Allender worked relentless hours on the interior, cleaning and repairing motor parts. It was pointed out the members of the church donated the bus to the Special Populations Program in 1983. It was pointed out that the bus was old and had been vandalized and Mr. Allender spent hours making the renovations. Kay Fish of the Special Populations Program made special remarks of appreciation pointing out without businesses such as the ones today, clubs and people, the program would not be able to operate. She pointed out the program does operate with grant funds from the Wake Area Mental Health Program and City of Raleigh but the program could not be done without businesses, clubs and individuals such as the ones recognized today.

VOLUNTEER OF THE MONTH - JAMES WATSON RECOGNIZED

Mayor Upchurch recognized James Watson, 3617 Dade Street, pointing out Mr. Watson has been a volunteer at the Food Bank, Inc., for the past two years and has donated a minimum of six hours per week. Mr. Watson keeps the checking accounts and various reports for the Food Bank including tax forms, accounts payable, payroll, monthly expenditure/income reports for the Board of Directors at the Food Bank. He explained Mr. Watson is a very competent volunteer, dedicated person and a definite asset to the Food Bank. He expressed appreciation and presented Mr. Watson with a certificate recognizing him as Volunteer of the Month.

HARVEY KARSEVER- AWARDS PRESENTED

Mayor Upchurch called on Bill Teague and briefly explained the Harvey KarseverAwards relating to the Youth Athletic Program in the City. The Coach of the Year Award was presented to Richard Telefair who has worked over eight years with Little League and Junior football and baseball. The award was accepted by Mr. Telfair. The Rookie Coach of the Year was presented to Troy Peoples and was accepted by Mrs. Peoples. Mayor Upchurch expressed appreciation to all of those who participate in the Youth Athletic Programs in the City.

CERTIFICATE OF APPOINTMENT - CERTIFICATES PRESENTED

Mayor Upchurch explained the Certificate of Appointment Program and presented the following certificates: Parks and Recreation Advisory Board - William Knight; Greenway Commission - Charles Meeker.

CONSENT AGENDA

CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Consent Agenda indicating all items are considered to be routine and may be enacted by one motion. If a Councillor requests discussion on an item, the item will be removed from the Consent Agenda and considered separately. He explained the vote on the Consent Agenda will be a roll call vote. Mr. Congleton requested that the item relating to the 1990 census - local public meeting be withdrawn. Mr. Calloway requested that the item relating to proposed Comprehensive Plan Amendment - Collector Street Plan be withdraw. City Manager Benton indicated there is a budget amendment in the Police Department relating to a contribution of $12,980.00. He explained the Consent Agenda indicates this is a decrease but actually it is an increase. City Manager Benton indicated there is transfer under the Manager's section relating to $1,680.00 to provide funds for the rental of

additional parking spaces during the parking deck construction. He indicated these fees would provide thirty-five spaces for the period April through September and if this transfer is approved he would also request that the Mayor be authorized to sign a lease agreement for the parking spaces. Without objection, the items were withdrawn from the Agenda as requested and City Manager Benton's comments relating to the lease for parking were agreed upon. Mr. Congleton moved Administration's recommendation on the remaining items on the Consent Agenda be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

The items on the Consent Agenda were as follows:

PRIVILEGE LICENSE APPLICATIONS - M & L TAVERN, MASSEUSE LICENSE AND ACC TAVERN APPROVED

The Consent Agenda presented the following business license applications requiring Council approval:

This is a privilege license application for "M & L Tavern," located at 416 East Cabarrus Street. The owner, Morris Edward Lane, is the individual making the application. City Code Sections 2-2032 (2) and 12-2118 (2) require City Council approval before a license may be issued for a dance hall, classified as a class one entertainment center. Police and Inspections reports indicate approval.

Recommendation: It is recommended that this privilege license application be approved.

This is an application for a masseuse license requiring City Council approval under City Code Section 12-2136. The applicant's name is Nancy Catherine Belser. She will be conducting her business at "Theotechnia," located at 3901 Barrett Drive. The Police report indicates approval.

Recommendation: It is recommended that this masseuse license be approved.

This is a privilege license application for "ACC Tavern," located at 2502½ Hillsborough Street. The owner, John Wilson Hopkins, is the individual making the application. City Code Sections 2-2032 (2), (3), (5) and 12-2118 (2) require City Council approval before a license may be issued for a dance hall, public club with live entertainment, classified as a class one entertainment center. Inspections and Police reports indicates approval. Council Members will have included in their Agenda packet a copy of material verifying the approval of the variance request by the Board of Adjustment at their meeting on March 12, 1984.

Recommendation: It is recommended that this privilege license application be approved.

Consent Agenda approval - Congleton/Babb - 8 ayes.

COMMUNITY CENTER - DESIGN SERVICES - CONTRACT WITH BOISSEAU DESIGN GROUP/ARCHITECT - APPROVED - FUNDS APPROPRIATED

On February 7, 1984, Council authorized retention of Boisseau Design Group/Architects for design services of the Apollo Heights Community Center subject to Administration being able to negotiate an agreement. An agreement has been negotiated which provides for a fixed fee of $20,000.
Recommendation: It is recommended that the proposed agreement be approved and that the following budgetary fund transfer be approved:

Transferred From:		
38-2-3200-0100	Apollo Heights Center	$30,000
Transferred To:		
38-2-3200-0102	Apollo Heights Center B	$20,000
38-2-3200-0104	Apollo Heights Center D	10,000
		$30,000

Consent Agenda approval - Congleton/Babb - 8 ayes.

ORDINANCE NO. (1984) 302 TF 17

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 21, 1983, and included in the budget for the fiscal year ending June 30, 1984, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 01-2-1040-0001	Contingency	$ 1,000.00
To 01-2-1100-0101	Salaries - Art	1,000.00
Purpose: To fund part time art coordinator for reminder of fiscal year.		
From 01-2-1040-0001	Contingency	$ 325.00
To 01-2-1100-0213		325.00
Purpose: To join Sister Cities International.		
From 01-2-1040-0001	Contingency	$ 7,716.00
To 01-2-1100-0705	Office Equipment	5,000.00
To 01-2-1010-0260	Office Supplies	160.00
To 01-2-1100-0100	Salaries	2,556.00
Purpose: To fund O.A. IV in Council Office, purchase office equipment and copy machine.		
From 38-2-3200-0100	Apollo Heights Center	$30,000.00
To 38-2-3200-0102	Apollo Heights Center B	20,000.00
To 38-2-3200-0104	Apollo Heights Center D	10,000.00
Purpose: To establish account for engineering services for construction of Apollo Heights Community Center and establish account for advertising, testing of soil and materials and other misc. items.		
From 43-2-6000-0104	State Street Drainage	$77,100.92
To 43-2-6000-0108	Drainage/Street Site Imp.	77,100.92
Purpose: To provide funds for the W. E. Garrison drainage/street site improvements contract.		
From 34-2-3802-0100	Office Space	$22,000.00
To 43-2-6200-0200	Econ. Dev. Market Plaza	22,000.00
Purpose: To fund shortfall on market plaza contract.		
From 84-2-1060-0000	E. M. Johnson Plant Expan.	$92,478.65
To 84-2-1060-0501	E. M. Johnson Construction	92,478.65
Purpose: Contract Change Order E. M. Johnson Water Plant Expansion - Roberts Filter Manu. Co., Inc. - F-8.		
From 34-2-3826-0107	Contingency	$ 6,078.00
To 34-2-3826-0101	General Construction	6,078.00
Purpose: Change Order - Fire Station 17 - Saieed Construction Corp. - G-2.		
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From 01-2-1040-0001	Contingency	$ 1,680.00
To 01-2-1040-0201	Relocation Parking	1,680.00
Purpose: To provide funds for the rental of additional parking spaces during parking deck construction.		
From 30-2-1000-0100	Reserve	$ 6,393.75
To 30-2-5000-0100	Salisbury Street Land	6,393.75
Purpose: To supplement account to satisfy interest.		
From 43-2-5080-0100	Contingency	$ 2,717.11
To 43-2-5100-0100	Salaries	2,383.36
To 43-2-5100-0101	Fringes	333.75
Purpose: To supplement accounts to include 3% salary increment authorized by City Council for 83-84 budget.		
From 43-2-5200-0100	Salaries	$ 3,153.54
From 43-2-5080-0100	Contingency	964.42
From 43-2-5200-0101	Fringes	440.32
To 43-2-5010-0100	Salaries	3,752.73
To 43-2-5010-0101	Fringes	805.55
Purpose: To supplement accounts to include 3% salary increment authorized by City Council.		
From 43-2-5080-0100	Contingency	$ 3,012.36
To 43-2-5090-0100	Salaries	2,530.47
To 43-2-5090-0101	Fringes	481.89
Purpose: Same as above.		
From 43-2-5120-0231	RHA Admin. Travel	$ 200.00
From 43-2-5080-0100	Contingency	8,081.00
To 43-2-5120-0101	RHA Admin. Fringes	1,023.00
To 43-2-5130-0100	RHA Relo. Salaries	3,184.00
To 43-2-5130-0101	RHA Fringes	2,147.00
To 43-2-5130-0231	RHA Relo. Travel	153.00
To 43-2-5140-0101	RHA Demo. Fringes	866.00
To 43-2-5150-0101	RHA Acq. Fringes	908.00
Purpose: To bring RHA's budget in line with Council approved contract.		
From 43-2-5020-0100	Acq. of Real Prop.	$20,000.00

To	43-2-5300-0100	Incentive Housing	20,000.00

Purpose: To provide additional funds for projected costs of Incentive Housing Program.

From	01-2-4110-0232	Fuel-Highway Use	$ 2,000.00
To	01-2-4110-0233	M&O	2,000.00

Purpose: To provide funds to repair first line rescue vehicle.

From	01-2-5100-0261	Abatement	$ 2,000.00
To	01-2-5100-0254	Unsafe Structures	2,000.00

Purpose: To demolish Unsafe Building pursuant to City Council authorization.

From	01-2-1040-0001	Contingency	$ 4,000.00
To	18-2-1000-0700	Chlorine Kits	4,000.00

Purpose: Purchasing five chlorine gas emergency kits for five pool locations.

From	06-2-7030-0258	Chemicals	$ 4,827.26
To	06-2-7030-0285	NCDEM - Beaver Dam	4,827.26

Purpose: To reimburse North Carolina Wildlife of Beaver Dam Lake.

From	01-2-5050-0265	Other Services	$ 2,138.38
To	01-2-1040-0232	Dillon Rent	2,138.38

Purpose: To pay escalation charges for taxes, insurance and utilities as per lease agreement for January 1 - December 31, 1983.

From	34-2-3805-0102	Mun. Block "B"	$ 3,418.00
To	34-2-3810-0108	Mun. Parking Elec. Cable	3,418.00

Purpose: Paying Carolina Power & Light Company for relocation of 155 feet of cable serving Municipal Complex transformer.

From	01-2-5050-0709	Blinds/Drapes	$ 5,000.00
To	01-2-1040-0232	Dillon Rent	5,000.00

Purpose: Providing sufficient funds to pay Dillon Building Rent for the month of April.

From	01-2-5050-0219	Light/Power	$ 5,052.91
To	01-2-0104-0232	Dillon Rent	5,052.91

Purpose: Same as above.

From	01-2-1040-0215	Pub. Liability	$ 4,325.00
To	01-2-1040-0291	Auto Liab. BI & PD	4,325.00

Purpose: Supplement account to pay remaining annual premium.

From	34-2-3802-0100	Bridges & Office Sp.	$ 6,813.00
To	34-2-3920-0104	Misc.	6,813.00

Purpose: To provide for associated design contract costs in the retention of #9 (Craigs) and #32/33 (Barber).

From	34-2-3802-0100	Bridges & Offices Space	$24,723.00
To	34-2-3920-0102	Consultant Services	24,723.00

Purpose: Change Order - Transit Terminal Design - Wilbur Smith and Assoc. - A2.

From	06-2-7100-0002	P.U. Contingency	$ 6,500.00
To	06-2-7010-0267	Hydrilla Study	6,500.00

Purpose: To provide for the study of Hydrilla for an additional period of 18 months.

Adopted: 3/20/84

OPTIMIST IN WORTHDALE PARK - DESIGN SERVICES - ADMINISTRATION AUTHORIZE TO NEGOTIATE CONTRACT WITH GEORGE SMART ARCHITECTS FOR SUBMISSION BACK TO CITY COUNCIL

The Capital Program includes funding of additions to the community centers at Optimist Park and Worthdale Park. The firm of George Smart Associates performed the original design of both buildings.

Recommendation: Since it may be more efficient and economical to retain the same firm, it is recommended that Council approve retention of the firm of George Smart Architects to perform this work subject to Administration being able to negotiate an agreement which would be brought back to Council for consideration. Consent Agenda approval - Congleton/Babb - 8 ayes.

LAKE BENSON FISHING CONCESSION - CONTRACT AWARDED TO NEEDHAM D. AND STEVEN D. GOWER - MAYOR AUTHORIZED TO EXECUTE LEASE

Proposals were recently solicited for the operation of the Lake Benson fishing concession during the 1984 and 1985 fishing seasons, with up to three additional seasons thereafter at the discretion of the City. Only one proposal was received, that from Mr. Needham D. Gower and Mr. Steven D. Gower, who have operated the facility the past two seasons for the previous concessionaire, Mr. Gregory W. Mooney. The Gower proposal indicates that the Gowers will provide twenty-eight (28) aluminum fishing boats for rental, they will make certain repairs to the fishing concession facility, and they will provide to the City $1,500 per year in rent.

Recommendation: It is recommended this proposal be approved and that Administration be authorized to prepare a lease of the concession facility at Lake Benson to the

Gowers, and that the Mayor be authorized to execute the lease on behalf of the City of Raleigh. Consent Agenda approval - Congleton/Babb - 8 ayes.

LASSITER MILL PROPERTY - DRAINAGE AND UTILITY EASEMENT - CITY TO GRANT

As part of the agreement concerning development of the Lassiter Mill tract, the City indicated a willingness to assist in the connection of a sanitary sewer line to the City's system in Hertford Street. A request has been received from the developer for a thirty-foot wide drainage and utility easement across City property adjacent to Hertford Street. A map was included in the Council Members' Agenda packet.

Recommendation: It is recommended that the City Council grant the easement as requested. Consent Agenda approval - Congleton/Babb - 8 ayes.

ZONING HEARING - CREEDMOOR ROAD (Z-65-81) - PUBLIC HEARING AUTHORIZED

In 1981, about 295 acres were rezoned along Creedmoor Road to Shopping Center, office and multi-family zones as part of Z-65-81. A large number of the zoning line boundaries in this complicated case were drawn to reflect natural features, ridges, and stream beds. Development is now taking place in this area, and it is important that the exact location of the zoning lines be reflected in the official zoning map and documents. At Administration's request, the original petitioners have submitted a map with courses and distances for each of these zoning lines. This new map more accurately reflects the intent of the original zoning lines, since the geographic features have been located in the field. However, since this new map was never officially adopted by Council, it must now follow the proper hearing and adoption process. The new map has been compared to the original submittal, and even though the boundary line configurations are different, the acreages of each zoning district are almost exactly the same. Council Members received a comparison chart in their Agenda packet. The advertisements for this case would strictly limit consideration of this item to revising the zoning boundary lines according to this new map, and not include consideration of any substantive change in the zoning pattern. It would be in the City's interest that this map replace the originally adopted map to clarify the zoning boundaries and relieve the City of difficult interpretation questions.

Recommendation: It is recommended that the Council authorize advertisement of the proposed new map for Z-65-81 for the May joint hearing. Consent Agenda approval - Congleton/Babb - 8 ayes.

COMMUNITY DEVELOPMENT BUDGET HEARING - PUBLIC HEARING AUTHORIZED FOR APRIL 17

According to Federal procedures, it is necessary to have a public hearing on the proposed Community Development Budget for FY 84-85.

Recommendation: It is recommended that a public hearing be authorized for the April 17, Council Meeting on the proposed Community Development Budget for FY 84-85. A copy of the projected Community Development Budget for FY 84-85 was included in the Council Members' Agenda packet. Consent Agenda approval - Congleton/Babb - 8 ayes.

ETJ - CLIFTON L. WOODLIEF PROPERTY - PUBLIC HEARINGS AUTHORIZED

On February 20, 1984, the Wake County Commissioners released twenty-five acres of ETJ by resolution according to a request made by the City and the owner, Clifton L. Woodlief. The City Council now needs to apply City zoning to this tract (currently zoned County R-20). A map was included in the Agenda packet.

Recommendation: It is recommended that the City Council:

> Authorize a rezoning advertisement for the May zoning hearing to zone the twenty-five acre tract Residential-4.
>
> Authorize an advertisement for the May zoning hearing to amend the official extraterritorial jurisdictional map to include this tract.

Consent Agenda approval - Congleton/Babb - 8 ayes.

STREET CLOSING - FOREST VIEW ROAD - PUBLIC HEARING AUTHORIZED

The City has been petitioned to close a portion of Forest View Road, also known as S.R. 1773, located on the east side of Blue Ridge Road. A map showing this street was included in the Agenda packet as well as a copy of the petition. The proposed closing has been circulated to the reviewing agencies and all comments have been received. To eliminate the situation of creating two land-locked parcels, known as Lots 206 and 207 on Tax Map 462, these parcels need to be recombined with Lot 208 to create one parcel fronting on S.R. 1787. A turnaround must also be provided at the proposed end of S.R. 1787, which is acceptable to the City's Department of Transportation to eliminate the situation of a dead-end street created by the closing. The right-of-way proposed to be closed is also State maintained, thus requiring concurrence for the closing from the N.C. Department of Transportation.

Recommendation: It is recommended that the City Council adopt a resolution of intent to close the subject right-of-way and set a date for a public hearing for May 1, 1984, with the conditions that Parcels 206, 207, and 208 be recombined, that the N.C. Department of Transportation concur with the closing, and that a turnaround acceptable to the City's Department of Transportation remain to serve S.R. 1787 at its intersection with Forest View Road. Consent Agenda approval - Congleton/Babb - 8

ayes.

RESOLUTION NO. (1984) 467

A RESOLUTION OF INTENT TO CONSIDER CLOSING FOREST VIEW ROAD RIGHT-OF-WAY AS DESCRIBED HEREIN AND DIRECTING NOTICE OF PUBLIC HEARING.

WHEREAS, the City Council of the City of Raleigh, North Carolina, pursuant to North Carolina General Statute 160A-299, intends to close permanently the following street right-of-way:

> Forest View Road, Raleigh, Wake County, North Carolina, from the intersection of Forest View Road with Blue Ridge Road eastward to the western line of Wake County Tax Parcel 462-18 and including the entire area within the right-of-way of Forest View Road as said Forest View Road adjoins Wake County Tax Parcels 462-105 (210.4 feet), 462-110 (114 feet), 462-111 (145 feet), 462-203 (324.93 feet), 462-26, and 462-463.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the section of the street referred to above is intended to be closed permanently.

Section 2. That a public hearing will be held on Tuesday, May 1, 1984, in the Council Chamber, Room 315, Municipal Building, Raleigh, North Carolina, at 7:00 p.m., or as soon thereafter as the matter can be reached.

Section 3. That a copy of this resolution be mailed by certified mail to all owners of lots abutting on the above named street.

Section 4. That a copy of this resolution be published in a daily newspaper in the City of Raleigh once a week for four consecutive weeks.

Adopted: 3/20/84

CD LOAN - 112 BART STREET - APPROVED

The following Community Development rehabilitation loan application has been researched and reviewed according to administrative procedure:

Case Number: B-83-MC-004
Robert L. and Mary A. Wooten
112 Bart Street
Loan Amount: $26,650.00

This property is outside the Community Development Loan and Grant Criteria, but is located in one of the new conservation areas. This is a loan which is outside the general guidelines for eligibility, but is considered a severe hardship situation and a dwelling which is in a deteriorated condition.

Recommendation: It is recommended that the loan be approved as proposed. Consent Agenda approval - Congleton/Babb - 8 ayes.

COMMUNITY DEVELOPMENT PUBLIC FACILITY IMPROVEMENTS - BID AWARDED TO W. E. GARRISON GRADING COMPANY - FUNDS APPROPRIATED

After readvertisement, bids for the Community Development Public Facility Improvements were publicly opened on March 6, 1984. The scope of this project is as follows:

- Installation of storm drainage on State Street between Lenoir Street and Tipton Street
- Drainage correction on Postell Street behind Lucille Hunter School
- Cul-de-sac construction - Ellington Street in South Park

The following bids were received:

W. E. Garrison Grading Company	$ 77,100.92
Gelder & Associates, Inc.	80,502.00
J. F. Wilkerson Construction Co.	83,126.50
REA Construction Company	183,325.70

The bid submitted by W. E. Garrison Grading Company of $77,100.92 is well below the cost estimate of $102,866.

Recommendation: It is recommended that the low bid as submitted by W. E. Garrison Grading Company be accepted and the contract be awarded and that the following transfer of funds be approved:

Transferred From:		
43-2-6000-0104	State Street Drainage	$77,100.92
Transferred To:		
43-2-6000-0108	Drainage/Street Site Improvements	$77,100.92

Consent Agenda approval - Congleton/Babb - 8 ayes.

ORDINANCE NO. (1984) 302 TF 17

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 21, 1983, and included in the budget for the fiscal year ending June 30, 1984, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

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From	01-2-1040-0001	Contingency	$ 7,716.00
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To	84-2-1060-0501	E. M. Johnson Construction	92,478.65
Purpose: Contract Change Order E. M. Johnson Water Plant Expansion - Roberts Filter Manu. Co., Inc. - F-8.			
From	34-2-3826-0107	Contingency	$ 6,078.00
To	34-2-3826-0101	General Construction	6,078.00
Purpose: Change Order - Fire Station 17 - Saieed Construction Corp. - G-2.			
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To	43-2-5100-0101	Fringes	333.75
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From	43-2-5200-0101	Fringes	440.32
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To	43-2-5010-0101	Fringes	805.55
Purpose: To supplement accounts to include 3% salary increment authorized by City Council.			
From	43-2-5080-0100	Contingency	$ 3,012.36

To	43-2-5090-0100	Salaries	2,530.47
To	43-2-5090-0101	Fringes	481.89

Purpose: Same as above.

From	43-2-5120-0231	RHA Admin. Travel	$ 200.00
From	43-2-5080-0100	Contingency	8,081.00
To	43-2-5120-0101	RHA Admin. Fringes	1,023.00
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To	43-2-5140-0101	RHA Demo. Fringes	866.00
To	43-2-5150-0101	RHA Acq. Fringes	908.00

Purpose: To bring RHA's budget in line with Council approved contract.

From	43-2-5020-0100	Acq. of Real Prop.	$20,000.00
To	43-2-5300-0100	Incentive Housing	20,000.00

Purpose: To provide additional funds for projected costs of Incentive Housing Program.

From	01-2-4110-0232	Fuel-Highway Use	$ 2,000.00
To	01-2-4110-0233	M&O	2,000.00

Purpose: To provide funds to repair first line rescue vehicle.

From	01-2-5100-0261	Abatement	$ 2,000.00
To	01-2-5100-0254	Unsafe Structures	2,000.00

Purpose: To demolish Unsafe Building pursuant to City Council authorization.

From	01-2-1040-0001	Contingency	$ 4,000.00
To	18-2-1000-0700	Chlorine Kits	4,000.00

Purpose: Purchasing five chlorine gas emergency kits for five pool locations.

From	06-2-7030-0258	Chemicals	$ 4,827.26
To	06-2-7030-0285	NCDEM - Beaver Dam	4,827.26

Purpose: To reimburse North Carolina Wildlife of Beaver Dam Lake.

From	01-2-5050-0265	Other Services	$ 2,138.38
To	01-2-1040-0232	Dillon Rent	2,138.38

Purpose: To pay escalation charges for taxes, insurance and utilities as per lease agreement for January 1 - December 31, 1983.

From	34-2-3805-0102	Mun. Block "B"	$ 3,418.00
To	34-2-3810-0108	Mun. Parking Elec. Cable	3,418.00

Purpose: Paying Carolina Power & Light Company for relocation of 155 feet of cable serving Municipal Complex transformer.

From	01-2-5050-0709	Blinds/Drapes	$ 5,000.00
To	01-2-1040-0232	Dillon Rent	5,000.00

Purpose: Providing sufficient funds to pay Dillon Building Rent for the month of April.

From	01-2-5050-0219	Light/Power	$ 5,052.91
To	01-2-0104-0232	Dillon Rent	5,052.91

Purpose: Same as above.

From	01-2-1040-0215	Pub. Liability	$ 4,325.00
To	01-2-1040-0291	Auto Liab. BI & PD	4,325.00

Purpose: Supplement account to pay remaining annual premium.

From	34-2-3802-0100	Bridges & Office Sp.	$ 6,813.00
To	34-2-3920-0104	Misc.	6,813.00

Purpose: To provide for associated design contract costs in the retention of #9 (Craigs) and #32/33 (Barber).

From	34-2-3802-0100	Bridges & Offices Space	$24,723.00
To	34-2-3920-0102	Consultant Services	24,723.00

Purpose: Change Order - Transit Terminal Design - Wilbur Smith and Assoc. - A2.

From	06-2-7100-0002	P.U. Contingency	$ 6,500.00
To	06-2-7010-0267	Hydrilla Study	6,500.00

Purpose: To provide for the study of Hydrilla for an additional period of 18 months.

MARKET PLAZA SITE IMPROVEMENTS - BID AWARDED TO CENTURION CONSTRUCTION COMPANY - FUNDS APPROPRIATED

After readvertisement, bids for the Market Plaza Site Improvements were publicly opened on February 27, 1984. The following bids were received:

Centurion Construction Co.	$155,712.00
Clancy & Theys Construction Co.	178,465.00
J. F. Wilkerson Contracting Co.	368,710.00

The cost estimate developed by Bell Design, the architects for this project, was $131,770. After comparing their estimate with the bids received, Bell Design recommends that the bid submitted by Centurion Construction Company be accepted.

Recommendation: It is recommended that the low bid of Centurion Construction Company be approved and that the appropriate budgetary account be established, including the transfer of $22,000 from the Revenue Sharing Fund Account, 34-2-3802-0100, be approved to provide sufficient funds for this project. Consent Agenda approval - Congleton/Babb - 8 ayes.

ORDINANCE NO. (1984) 302 TF 17

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 21, 1983, and included in the budget for the fiscal year ending June 30, 1984, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 01-2-1040-0001	Contingency	$ 1,000.00
To 01-2-1100-0101	Salaries - Art	1,000.00
Purpose: To fund part time art coordinator for reminder of fiscal year.		
From 01-2-1040-0001	Contingency	$ 325.00
To 01-2-1100-0213		325.00
Purpose: To join Sister Cities International.		
From 01-2-1040-0001	Contingency	$ 7,716.00
To 01-2-1100-0705	Office Equipment	5,000.00
To 01-2-1010-0260	Office Supplies	160.00
To 01-2-1100-0100	Salaries	2,556.00
Purpose: To fund O.A. IV in Council Office, purchase office equipment and copy machine.		
From 38-2-3200-0100	Apollo Heights Center	$30,000.00
To 38-2-3200-0102	Apollo Heights Center B	20,000.00
To 38-2-3200-0104	Apollo Heights Center D	10,000.00
Purpose: To establish account for engineering services for construction of Apollo Heights Community Center and establish account for advertising, testing of soil and materials and other misc. items.		
From 43-2-6000-0104	State Street Drainage	$77,100.92
To 43-2-6000-0108	Drainage/Street Site Imp.	77,100.92
Purpose: To provide funds for the W. E. Garrison drainage/street site improvements contract.		
From 34-2-3802-0100	Office Space	$22,000.00
To 43-2-6200-0200	Econ. Dev. Market Plaza	22,000.00
Purpose: To fund shortfall on market plaza contract.		
From 84-2-1060-0000	E. M. Johnson Plant Expan.	$92,478.65
To 84-2-1060-0501	E. M. Johnson Construction	92,478.65
Purpose: Contract Change Order E. M. Johnson Water Plant Expansion - Roberts Filter Manu. Co., Inc. - F-8.		
From 34-2-3826-0107	Contingency	$ 6,078.00
To 34-2-3826-0101	General Construction	6,078.00
Purpose: Change Order - Fire Station 17 - Saieed Construction Corp. - G-2.		
From 34-2-3826-0107	Contingency	$ 1,674.00
To 34-2-3826-0101	General Construction	1,674.00
Purpose: Change Order - Fire Station 17 - Saieed Construction Corporation - G-2.		
From 01-2-1040-0001	Contingency	$ 1,680.00
To 01-2-1040-0201	Relocation Parking	1,680.00
Purpose: To provide funds for the rental of additional parking spaces during parking deck construction.		
From 30-2-1000-0100	Reserve	$ 6,393.75
To 30-2-5000-0100	Salisbury Street Land	6,393.75
Purpose: To supplement account to satisfy interest.		
From 43-2-5080-0100	Contingency	$ 2,717.11
To 43-2-5100-0100	Salaries	2,383.36
To 43-2-5100-0101	Fringes	333.75
Purpose: To supplement accounts to include 3% salary increment authorized by City Council for 83-84 budget.		
From 43-2-5200-0100	Salaries	$ 3,153.54
From 43-2-5080-0100	Contingency	964.42
From 43-2-5200-0101	Fringes	440.32

To	43-2-5010-0100	Salaries	3,752.73
To	43-2-5010-0101	Fringes	805.55

Purpose: To supplement accounts to include 3% salary increment authorized by City Council.

From	43-2-5080-0100	Contingency	$ 3,012.36
To	43-2-5090-0100	Salaries	2,530.47
To	43-2-5090-0101	Fringes	481.89

Purpose: Same as above.

From	43-2-5120-0231	RHA Admin. Travel	$ 200.00
From	43-2-5080-0100	Contingency	8,081.00
To	43-2-5120-0101	RHA Admin. Fringes	1,023.00
To	43-2-5130-0100	RHA Relo. Salaries	3,184.00
To	43-2-5130-0101	RHA Fringes	2,147.00
To	43-2-5130-0231	RHA Relo. Travel	153.00
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Purpose: To bring RHA's budget in line with Council approved contract.

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To	06-2-7010-0267	Hydrilla Study	6,500.00

Purpose: To provide for the study of Hydrilla for an additional period of 18 months.

BIDS - SEWER LEVEL EQUIPMENT - BID AWARDED TO ISCO

The City Council has approved the acquisition of sewer flow metering equipment to provide an accurate measurement of the flow in various sanitary sewer lines. This type of equipment is unique and not available from a wide variety of vendors. The City has previously experimented with several models and has identified the unit

which is most accurate and reliable. Bids have been solicited for the particular unit. Since it is unique, only one vendor submitted a bid.

Recommendation: It is recommended that this equipment be considered proprietary in nature and that the bid submitted by ISCO, c/o Johnston, Inc., in the amount of $30,074.42 be approved. Consent Agenda approval - Congleton/Babb - 8 ayes.

TAXICAB OWNER'S PERMIT - CALVIN COOLIDGE LUCAS - APPROVED ON SECOND AND FINAL READING

During the February 21, 1984 Council meeting, the City Council approved an application for a taxicab owner's permit in the name of Calvin Coolidge Lucas, Ebony Cab Company (New Individual Owner's Permit) with the understanding that it would placed on this Agenda for consideration on a second and final reading. Administration recommends approval. Consent Agenda approval - Congleton/Babb - 8 ayes.

TAXICAB OWNER'S PERMIT - VARIOUS - APPROVED ON FIRST READING TO BE PLACED ON APRIL 3, 1984 AGENDA

Applications have been received from the following to operate a taxi. The applications have been checked and meet the requirements of Section 12-2053 of the City Code. Approval is recommended. If approved, these applications will be placed on the Agenda for April 3, 1984, for second and final consideration. Willis Bobby Lee Edwards, Dixon Cab Company (New Individual Owner's Permit); Edward Junious Thornton and Reverend Garland Thompson, Jr., Ebony Cab Company (New Individual Owner's Permits); Boaz Odhiambo, American Cab Company (New Individual Owner's Permit) Mrs. Alice Cooper Sutton, Airline Cab Company (New Individual Owner's Permit); Mrs. Jean C. Martin Watkins, Associated-United Cab Company (New Individual Owner's Permit). Consent Agenda approval - Congleton/Babb - 8 ayes.

TAXICAB FRANCHISE - CHANGE OF OWNERSHIP - APPROVED ON FIRST READING TO BE PLACED ON APRIL 3, 1984 AGENDA

In accordance with Raleigh City Code, Section 12-2059, Mr. Hickman Carrington has attested to the fact that he is taking over the operation of Ebony Cab Company from his father, Mr. Oris Henry Carrington, who is deceased. On February 14, 1984, Mr. Hickman Carrington made an application for Ebony Cab Company. An investigation of the applicant was satisfactory; therefore, Administration has no objection to Council approval of this change of ownership. If approved, this application will be placed on the April 3, 1984, Agenda for second and final consideration.

In accordance with Raleigh City Code, Section 12-2059, Mr. Napolean Nesbitt has attested to the fact that he has agreed to turn over his franchise, "Sunrise Cab Company," to Mr. Fred Swan. It is understood by both parties concerned that once change of ownership takes place there is an automatic revocation of any owner's permit previously granted to the extent applicable to the operation of such taxicab or taxicabs. On January 27, 1984, Mr. Fred Swan acknowledged this agreement, and at that time made application for the above mentioned franchise. An investigation of the applicant was satisfactory; therefore, Administration has no objection to Council approval of this action. If approved, this application will be placed on the April 3, 1984, Agenda for second and final consideration. Consent Agenda approval - Congleton/Babb - 8 ayes.

BUDGET AMENDMENT - VARIOUS DEPARTMENTS - ORDINANCE ADOPTED

The Consent Agenda presented a budget amendment in the amount of $100.00 in the Fire Department to accept a gift from Mrs. W. R. Poole to purchase a ping pong table for Fire Station #4. A second budget amendment was in the Police Department in the amount of $12,980.00 to purchase new shotguns to replace old shotguns with the money from the sale of surplus weapons and to purchase additional revolvers. A third budget amendment was in the Public Utilities Department in the amount of $23,800.00 to create accounts to receive the payments for the radio control units for the new sewer pumping stations being installed by developers. Administration recommends approval of the budget amendments. Consent Agenda approval - Congleton/Babb - 8 ayes.

ORDINANCE NO. (1984) 301

AN ORDINANCE TO AMEND THE 1983/1984 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH

Section 1. That the 1983/1984 Budget Ordinance be amended as follows to create accounts to receive the payments for radio control units for new sewer pumping stations being installed by developers:

Revenue:	06-1-0070-0252	Farmington Woods RTU	$ 5,000.00
	06-1-0070-0253	Pleasant Ridge RTU	5,000.00
	06-1-0070-0254	Thorpshire RTU	5,000.00
	06-1-0070-0255	Kingsborough RTU	8,800.00
Expense:	06-2-7050-0701	Alarm System	$23,800.00

Section 2. That the 1983/1984 Budget Ordinance be amended as follows to accept $100.00 gift from Mrs. W. R. Peele to purchase ping pong table for fire station 4:

Revenue:	01-1-0070-0200	Misc. Income	$ 100.00
Expense:	01-2-4130-0702	Ping Pong Table	$ 100.00

Section 3. That the 1983/1984 Budget Ordinance be amended as follows to expand 1984 Softball Program by 35 teams:

Revenue:	01-1-0070-0164	$ 7,000.00
Expense:	01-2-6010-0101	7,000.00

Section 4. That the 1983/1984 Budget Ordinance be amended as follows to purchase new shotguns to replace old shotguns with the money from the sale of surplus weapons and to purchase additional revolvers:

Revenue:	01-1-0070-0200	Misc. Income	$12,980.00
Expense:	01-2-4020-0704	Guns	$12,980.00

Adopted: 3/20/84

REIMBURSEMENT CONTRACTS - VARIOUS - APPROVED

The following reimbursable contracts have been prepared for Council approval and the Mayor's signature. Costs have been certified by the Central Engineering Department.

Development Associates, Inc.
Intersections and Oversized Streets in Village Grove Subdivision
$16,343.12

Development Associates, Inc.
Standard Reimbursement
8-inch water line - Village Grove Subdivision
$1,995.00

Linpro Carolina, Inc.
Acreage Fee Reimbursement
12-inch water lines - Gorman Street, Lake Dam Road
Water area 5, Number 9
$83,500.98

Ammons, Inc.
Acreage Fee Reimbursement
12-inch water line, Sawmill Road
Water Area 8, Number 22
$68,324.00

Ammons, Inc.
Acreage Fee Reimbursement
12-inch sewer line at Greystone
Sewer Area 18, Number 6
$21,446.54

Methodist Home for the Children, Inc.
Acreage Fee Reimbursement
12-inch water line - Methodist Home Property
Water - Non-refundable Area #1
$29,078.46

Olde Raleigh Development Company
Acreage Fee Reimbursement
16-inch water line - Blue Ridge Road
Water Area 2, Number 10
$1,526.00

Olde Raleigh Development Company
Acreage Fee Reimbursement
12 and 16-inch water lines - Edwards Mill,
Ebenezer Church, Duraleigh, and Blue Ridge Roads
Water Area 15, Number 6
$107,682.25

Recommendation: Approval is recommended and authority for the Mayor's signature is requested. Consent Agenda approval - Congleton/Babb - 8 ayes.

CD LOAN AND GRANT APPLICATION - APPROVED

The following Community Development rehabilitation loan and grant application has been researched and reviewed according to administrative procedures and is recommended for City Council approval:

Case Number: B-83-MC-005
Alice H. McNeil
305 Freeman Street
Loan Amount: $27,000.00

Recommendation: Approval is recommended. Consent Agenda approval - Congleton/Babb -

8 ayes.

RETAINAGE REDUCTION - J. W. CAMPBELL ELECTRIC CORPORATION - NEUSE RIVER WASTEWATER TREATMENT PLANT - APPROVED

Administration has received a request from J. W. Campbell Electrical Corporation, electrical contractor on the Neuse River Wastewater Treatment Plant Expansion, Phase I. As was discussed with the Public Works Committee during the time prior to placing this project out for bid, the City could anticipate receiving a lesser cost if it reduced the "carrying cost" of the contractors for their retainage. It was suggested to the Public Works Committee, which was concurred with, and transmitted to the City Council that the retainage reduction would occur in the same manner on this project as it would on a Federal type project, reducing the retainage from 10 percent to 5 percent at the point of 50 percent completion. That point of completion of active construction work has been achieved.

Administration has received a request from J. W. Campbell Electrical Corporation, the electrical contractor on the Neuse River Raw Water Pumping Station, requesting that their retainage be reduced from 10 percent to 5 percent. Work on this project has both been acceptable, and is beyond the 90 percent level of completion, and stored material. Consent Agenda approval - Congleton/Babb - 8 ayes.

STORM DRAINAGE INSTALLATION - 2804 ASHLAND STREET - APPROVED

Under City policy, we have received the following request for assistance to install storm drainage on private property:

Name: Clarence P. Siler

Address: 2804 Ashland Street

Number of feet and size of pipe: 40 feet of 18-inch pipe.

Project Description: This is a project to install drainage pipe across the rear of Mr. Siler's property. It is in accordance with the City ordinance that permits the City to provide necessary equipment and labor and the owner to provide all necessary materials. The petitioner must remove one tree and relocate his dog pen to provide for necessary clearance for the installation of the pipe.

City cost estimate: $253 - labor; $90 - equipment: Total Cost $343.

Consent Agenda approval - Congleton/Babb - 8 ayes.

UTILITY REFUNDS - INFORMATION RECEIVED

The Council has previously requested that they be notified of refunds to customers of water/sewer accounts involving errors by the City and/or customer.

Name: Mrs. Annie Hodge Ellerbe

Address: 1313 Smithfield Street

Amount: Refund - $58.86

Reason: The customer was being charged for water and sewer services but was not connected to City sewer. The account should be billed for water only. The Public Utilities Department has verified that this address is not on City sewer.

Name: Hugh Leach

Address: 3006 Marion Road

Amount: Refund - $76.29

Reason: The customer was being charged for water and sewer services but was not connected to City sewer. The account should be billed for water only. The Public Utilities Department has verified that this address is not on City sewer.

The item was received as information without comment.

E. M. JOHNSON WATER PLANT EXPANSION - CHANGE ORDER F-8 ROBERTS FILTER MANUFACTURING COMPANY - APPROVED - FUNDS APPROPRIATED

Change order F-8 relating to the Roberts Filter Manufacturing Company, Inc. - E. M. Johnson Water Plant Expansion was presented. This is a change order which is in addition of $92,478.65. The Agenda listed the reason for the change order and budget accounts that should be amended if the change order is approved. Administration recommends approval of the change order and transfer. Consent Agenda approval - Congleton/Babb - 8 ayes.

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To	06-2-7030-0285	NCDEM - Beaver Dam	4,827.26

Purpose: To reimburse North Carolina Wildlife of Beaver Dam Lake.

From	01-2-5050-0265	Other Services	$ 2,138.38
To	01-2-1040-0232	Dillon Rent	2,138.38

Purpose: To pay escalation charges for taxes, insurance and utilities as per lease agreement for January 1 - December 31, 1983.

From	34-2-3805-0102	Mun. Block "B"	$ 3,418.00
To	34-2-3810-0108	Mun. Parking Elec. Cable	3,418.00

Purpose: Paying Carolina Power & Light Company for relocation of 155 feet of cable serving Municipal Complex transformer.

From	01-2-5050-0709	Blinds/Drapes	$ 5,000.00
To	01-2-1040-0232	Dillon Rent	5,000.00

Purpose: Providing sufficient funds to pay Dillon Building Rent for the month of April.

From	01-2-5050-0219	Light/Power	$ 5,052.91
To	01-2-0104-0232	Dillon Rent	5,052.91

Purpose: Same as above.

From	01-2-1040-0215	Pub. Liability	$ 4,325.00
To	01-2-1040-0291	Auto Liab. BI & PD	4,325.00

Purpose: Supplement account to pay remaining annual premium.

From	34-2-3802-0100	Bridges & Office Sp.	$ 6,813.00
To	34-2-3920-0104	Misc.	6,813.00

Purpose: To provide for associated design contract costs in the retention of #9 (Craigs) and #32/33 (Barber).

From	34-2-3802-0100	Bridges & Offices Space	$24,723.00
To	34-2-3920-0102	Consultant Services	24,723.00

Purpose: Change Order - Transit Terminal Design - Wilbur Smith and Assoc. - A2.

From	06-2-7100-0002	P.U. Contingency	$ 6,500.00
To	06-2-7010-0267	Hydrilla Study	6,500.00

Purpose: To provide for the study of Hydrilla for an additional period of 18 months.

FIRE STATION 17 - CHANGE ORDER G-2 - SAIEED CONSTRUCTION CORPORATION - APPROVED - FUNDS APPROPRIATED

The Agenda presented change order G-2 - Saieed Construction Company which is a total addition of $7,752.00 relating to resetting of the driveway and to improve foundation for the structure. The Agenda outlined the need for the change order and the budget amounts that should be amended if the change order is approved. Administration recommends approval of the change order and the transfers as outlined. Consent Agenda approval - Congleton/Calloway - 8 ayes.

ORDINANCE NO. (1984) 302 TF 17

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 21, 1983, and included in the budget for the fiscal year ending June 30, 1984, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 01-2-1040-0001	Contingency	$ 1,000.00
To 01-2-1100-0101	Salaries - Art	1,000.00
Purpose: To fund part time art coordinator for reminder of fiscal year.		
From 01-2-1040-0001	Contingency	$ 325.00
To 01-2-1100-0213		325.00
Purpose: To join Sister Cities International.		
From 01-2-1040-0001	Contingency	$ 7,716.00
To 01-2-1100-0705	Office Equipment	5,000.00
To 01-2-1010-0260	Office Supplies	160.00
To 01-2-1100-0100	Salaries	2,556.00
Purpose: To fund O.A. IV in Council Office, purchase office equipment and copy machine.		
From 38-2-3200-0100	Apollo Heights Center	$30,000.00
To 38-2-3200-0102	Apollo Heights Center B	20,000.00
To 38-2-3200-0104	Apollo Heights Center D	10,000.00
Purpose: To establish account for engineering services for construction of Apollo Heights Community Center and establish account for advertising, testing of soil and materials and other misc. items.		
From 43-2-6000-0104	State Street Drainage	$77,100.92
To 43-2-6000-0108	Drainage/Street Site Imp.	77,100.92
Purpose: To provide funds for the W. E. Garrison drainage/street site improvements contract.		
From 34-2-3802-0100	Office Space	$22,000.00
To 43-2-6200-0200	Econ. Dev. Market Plaza	22,000.00
Purpose: To fund shortfall on market plaza contract.		
From 84-2-1060-0000	E. M. Johnson Plant Expan.	$92,478.65
To 84-2-1060-0501	E. M. Johnson Construction	92,478.65
Purpose: Contract Change Order E. M. Johnson Water Plant Expansion - Roberts Filter Manu. Co., Inc. - F-8.		
From 34-2-3826-0107	Contingency	$ 6,078.00
To 34-2-3826-0101	General Construction	6,078.00
Purpose: Change Order - Fire Station 17 - Saieed Construction Corp. - G-2.		
From 34-2-3826-0107	Contingency	$ 1,674.00
To 34-2-3826-0101	General Construction	1,674.00
Purpose: Change Order - Fire Station 17 - Saieed Construction Corporation - G-2.		
From 01-2-1040-0001	Contingency	$ 1,680.00
To 01-2-1040-0201	Relocation Parking	1,680.00
Purpose: To provide funds for the rental of additional parking spaces during parking deck construction.		
From 30-2-1000-0100	Reserve	$ 6,393.75
To 30-2-5000-0100	Salisbury Street Land	6,393.75
Purpose: To supplement account to satisfy interest.		
From 43-2-5080-0100	Contingency	$ 2,717.11
To 43-2-5100-0100	Salaries	2,383.36
To 43-2-5100-0101	Fringes	333.75
Purpose: To supplement accounts to include 3% salary increment authorized by City Council for 83-84 budget.		
From 43-2-5200-0100	Salaries	$ 3,153.54
From 43-2-5080-0100	Contingency	964.42
From 43-2-5200-0101	Fringes	440.32
To 43-2-5010-0100	Salaries	3,752.73
To 43-2-5010-0101	Fringes	805.55
Purpose: To supplement accounts to include 3% salary increment authorized by City Council.		
From 43-2-5080-0100	Contingency	$ 3,012.36
To 43-2-5090-0100	Salaries	2,530.47

To	43-2-5090-0101	Fringes	481.89

Purpose: Same as above.

From	43-2-5120-0231	RHA Admin. Travel	$ 200.00
From	43-2-5080-0100	Contingency	8,081.00
To	43-2-5120-0101	RHA Admin. Fringes	1,023.00
To	43-2-5130-0100	RHA Relo. Salaries	3,184.00
To	43-2-5130-0101	RHA Fringes	2,147.00
To	43-2-5130-0231	RHA Relo. Travel	153.00
To	43-2-5140-0101	RHA Demo. Fringes	866.00
To	43-2-5150-0101	RHA Acq. Fringes	908.00

Purpose: To bring RHA's budget in line with Council approved contract.

From	43-2-5020-0100	Acq. of Real Prop.	$20,000.00
To	43-2-5300-0100	Incentive Housing	20,000.00

Purpose: To provide additional funds for projected costs of Incentive Housing Program.

From	01-2-4110-0232	Fuel-Highway Use	$ 2,000.00
To	01-2-4110-0233	M&O	2,000.00

Purpose: To provide funds to repair first line rescue vehicle.

From	01-2-5100-0261	Abatement	$ 2,000.00
To	01-2-5100-0254	Unsafe Structures	2,000.00

Purpose: To demolish Unsafe Building pursuant to City Council authorization.

From	01-2-1040-0001	Contingency	$ 4,000.00
To	18-2-1000-0700	Chlorine Kits	4,000.00

Purpose: Purchasing five chlorine gas emergency kits for five pool locations.

From	06-2-7030-0258	Chemicals	$ 4,827.26
To	06-2-7030-0285	NCDEM - Beaver Dam	4,827.26

Purpose: To reimburse North Carolina Wildlife of Beaver Dam Lake.

From	01-2-5050-0265	Other Services	$ 2,138.38
To	01-2-1040-0232	Dillon Rent	2,138.38

Purpose: To pay escalation charges for taxes, insurance and utilities as per lease agreement for January 1 - December 31, 1983.

From	34-2-3805-0102	Mun. Block "B"	$ 3,418.00
To	34-2-3810-0108	Mun. Parking Elec. Cable	3,418.00

Purpose: Paying Carolina Power & Light Company for relocation of 155 feet of cable serving Municipal Complex transformer.

From	01-2-5050-0709	Blinds/Drapes	$ 5,000.00
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To	01-2-0104-0232	Dillon Rent	5,052.91

Purpose: Same as above.

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To	01-2-1040-0291	Auto Liab. BI & PD	4,325.00

Purpose: Supplement account to pay remaining annual premium.

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To	34-2-3920-0104	Misc.	6,813.00

Purpose: To provide for associated design contract costs in the retention of #9 (Craigs) and #32/33 (Barber).

From	34-2-3802-0100	Bridges & Offices Space	$24,723.00
To	34-2-3920-0102	Consultant Services	24,723.00

Purpose: Change Order - Transit Terminal Design - Wilbur Smith and Assoc. - A2.

From	06-2-7100-0002	P.U. Contingency	$ 6,500.00
To	06-2-7010-0267	Hydrilla Study	6,500.00

Purpose: To provide for the study of Hydrilla for an additional period of 18 months.

TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTION CONCURRED WITH

Council members received in their Agenda packets a list of administrative transfers which have been approved by the City Manager according to City Council procedure. Concurrence with the manager's action is recommended. Consent Agenda approval - Congleton/Babb - 8 ayes.

The transfers were as follows:

FROM	TO	AMOUNT
43-2-5080-100	43-2-5051-100	$368.50

01-2-6020-719	01-2-6020-722	47.85
03-2-5800-101	03-2-5800-228	900.00
19-2-8360-260		
19-2-8360-534	19-2-8360-279	400.00
01-2-1180-703	01-2-1180-231	
	01-2-1180-260	250.00
43-2-5080-100	43-2-5051-100	900.00
01-2-1030-213	01-2-1030-231	100.00
19-2-8260-534	19-2-8260-200	155.00
19-2-8040-260	19-2-8040-992	500.00
01-2-5100-261	01-2-5100-254	999.00
01-2-1040-001	01-2-1140-265	709.00
01-2-5050-709	01-2-5050-238	565.00
01-2-1140-700	01-2-1140-231	200.00
18-2-0500-260	18-2-0500-601	56.00
01-2-6010-243	01-2-6010-761	903.73
42-2-9010-266	42-2-9010-610	100.00
01-2-1220-260	01-2-1220-231	900.00

TRANSFERS - WITHIN VARIOUS ACCOUNTS AND CONTINGENCIES - ORDINANCE ADOPTED

The Agenda presented recommended transfers relating to the City Manager's budget, Community Development, Fire, Inspections, Parks and Recreation, Public Utilities, Public Works, and Safety with recommendation of approval. The Agenda outlined the account numbers as well as the reasons or purpose of the transfers. Administration recommends approval. Consent Agenda approval - Congleton/Babb - 8 ayes.

ORDINANCE NO. (1984) 302 TF 17

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 21, 1983, and included in the budget for the fiscal year ending June 30, 1984, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

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Purpose: To fund part time art coordinator for reminder of fiscal year.		
From 01-2-1040-0001	Contingency	$ 325.00
To 01-2-1100-0213		325.00
Purpose: To join Sister Cities International.		
From 01-2-1040-0001	Contingency	$ 7,716.00
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To 38-2-3200-0102	Apollo Heights Center B	20,000.00
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Purpose: Contract Change Order E. M. Johnson Water Plant Expansion - Roberts Filter Manu. Co., Inc. - F-8.		
From 34-2-3826-0107	Contingency	$ 6,078.00
To 34-2-3826-0101	General Construction	6,078.00
Purpose: Change Order - Fire Station 17 - Saieed Construction Corp. - G-2.		
From 34-2-3826-0107	Contingency	$ 1,674.00

To	34-2-3826-0101	General Construction	1,674.00

Purpose: Change Order - Fire Station 17 - Saieed Construction Corporation - G-2.

From	01-2-1040-0001	Contingency	$ 1,680.00
To	01-2-1040-0201	Relocation Parking	1,680.00

Purpose: To provide funds for the rental of additional parking spaces during parking deck construction.

From	30-2-1000-0100	Reserve	$ 6,393.75
To	30-2-5000-0100	Salisbury Street Land	6,393.75

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From	43-2-5080-0100	Contingency	$ 2,717.11
To	43-2-5100-0100	Salaries	2,383.36
To	43-2-5100-0101	Fringes	333.75

Purpose: To supplement accounts to include 3% salary increment authorized by City Council for 83-84 budget.

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To	43-2-5090-0100	Salaries	2,530.47
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From	43-2-5120-0231	RHA Admin. Travel	$ 200.00
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To	01-2-1040-0291	Auto Liab. BI & PD	4,325.00

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To	34-2-3920-0104	Misc.	6,813.00

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To	34-2-3920-0102	Consultant Services	24,723.00

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From	06-2-7100-0002	P.U. Contingency	$ 6,500.00
To	06-2-7010-0267	Hydrilla Study	6,500.00

Purpose: To provide for the study of Hydrilla for an additional period of 18 months.

BIDS - LANDSCAPING OF PARKING DECK - BID AWARDED TO HORNSBY AND SANDERS

The following bids were received for the Parking Deck/Landscaping Project:

Cumbus and Carter, Inc.	Base Bid-$73,000 Alternative Bid- None
Hornsby and Sanders	Base Bid-$52,265 Alternative Bid- $2,235 Total - $54,500

Recommendation: It is recommended that the Council award the contract to Hornsby and Sanders in the amount of $54,500 and that the Mayor be authorized to sign the contract on behalf of the City. Consent Agenda approval - Congleton/Babb - 8 ayes.

BID REQUEST 83-47 - CAST IRON MANHOLE RINGS AND COVERS - BID AWARDED TO DEWEY BROTHERS

Pursuant to advertisement as required by law, bids were received on a second request and publicly opened in the Office of the Purchasing Agent on February 13, 1984, for Cast Iron Manhole Rings and Covers with only one bid being received - Dewey Brother, Inc., - $15,572.00. Administration recommends this bid be accepted. Consent Agenda approval - Congleton/Babb - 8 ayes.

BID REQUEST 83-54 - POLICE UNIFORM SHIRTS AND TROUSERS - JOINT AWARD TO STINNETTE UNIFORM SALES, INC., AND HUB UNIFORM COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the Office of the Purchasing Agent on March 8, 1984, for Police uniform shirts and trousers with results as follows:

GROUP I

Shirts, Long Sleeve

Stinnette Uniform Sales, Inc.	$11.17 ea.
Hub Uniform Company	11.64 ea.
American Uniform Sales Company	11.94 ea.

Shirts, Short Sleeve

Stinnette Uniform Sales, Inc.	$10.09 ea.
Hub Uniform Company	10.64 ea.
American Uniform Sales Company	10.75 ea.

Recommend: Stinnette Uniform Sales, Inc.

GROUP II

Trousers

Hub Uniform Company	$30.94 pr.
American Uniform Sales Company	32.94 pr.

Recommend: Hub Uniform Company

Administration recommends that joint award to Stinnette Uniform Sales, Inc., and Hub Uniform Company as outlined. Consent Agenda approval - Congleton/Babb - 8 ayes.

BID REQUEST 83-55 - BASEBALL EQUIPMENT - JOINT AWARD TO BSN CORPORATION, JOHNSON-LAMBE COMPANY, AND OXFORD SPORTING GOODS

Pursuant to advertisement as required by law, bids were received and publicly opened in the Office of the Purchasing Agent on March 8, 1984, for baseball equipment with results as follows:

ITEM 1	Baseballs - Little League	
	BSN Corporation	$ 18.95 doz.

	Johnson-Lambe Company	26.23
	Oxford Sporting Goods	26.90
	RECOMMEND: BSN Corporation	
ITEM 2	Baseballs - Junior League	
	Johnson-Lambe Company	$ 39.53 doz.
	RECOMMEND: Johnson-Lambe Company	
ITEM 3	Baseballs - Practice	
	Johnson-Lambe Company	$ 23.42 doz.
	RECOMMEND: Johnson-Lambe Company	
ITEM 4	Aluminum Bats - Little League	
	Johnson-Lambe Company	$129.73 doz.
	RECOMMEND: Johnson-Lambe Company	
ITEM 5	Aluminum Bats - Junior League	
	Johnson-Lambe Company	$221.53 doz.
	RECOMMEND: Johnson-Lambe Company	
ITEM 6	Bases, Double Strap	
	Johnson-Lambe Company	$ 25.93 set
	RECOMMEND: Johnson-Lambe Company	
ITEM 7	Home Plates	
	Johnson-Lambe Company	$ 13.93 ea.
	RECOMMEND: Johnson-Lambe Company	
ITEM 8	Base Spikes	
	Johnson-Lambe Company	$ .63 ea.
	RECOMMEND: Johnson-Lambe Company	
ITEM 9	Head Protectors - Little League	
	Oxford Sporting Goods	$ 8.25 ea.
	Johnson-Lambe Company	8.33
	RECOMMEND: Oxford Sporting Goods	
ITEM 10	Head Protectors - Junior League	
	Oxford Sporting Goods	$ 9.50 ea.
	Johnson-Lambe Company	10.63
	RECOMMEND: Oxford Sporting Goods	
ITEM 11	Chest Protectors - Umpire	
	Johnson-Lambe Company	$ 26.43
	RECOMMEND: Johnson-Lambe Company	

Bid requests were also received from:

Graves Humphreys Company	Not Properly Signed
Sportsville, Inc.	No Bid Deposit

Administration recommends the joint award to BSN Corporation, Johnson-Lambe and Oxford Sporting Goods as outlined.

Consent Agenda approval - Congleton/Babb - 8 ayes.

BID REQUEST 83-57 - WORK UNIFORMS - BID AWARDED TO DIXIE UNIFORM RENTAL

Pursuant to advertisement as required by law, bids were received and publicly opened in the Office of the Purchasing Agent on March 13, 1984, for work uniforms with results as follows: Dixie Uniform Rental - $32,064; Roys Rental Uniform Service - $35,802; Hub Uniform Company - $36,476.10; Stinnette Uniform Sales - $37,455.00. Administration recommends the low bid submitted by Dixie Uniform Rental be awarded.

Consent Agenda approval - Congleton/Babb - 8 ayes.

BID REQUEST 83-59 - TRACTOR AMD MOWERS - JOINT AWARD MADE TO E. J. SMITH AND SONS AND R. W. MOORE EQUIPMENT COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the Office of the Purchasing Agent on March 13, 1984, for tractors and mowers with results as follows:

ITEM 1a:	7-GANG REEL MOWER	
	E. J. Smith & Sons	$15,797.25
	Revels Tractor Co., Inc.	16,726.50
	Senter-Sanders Tractor Corp.	17,000.00
	R. W. Moore Equipment Co., Inc.	17,014.80
	RECOMMEND: E. J. SMITH & SONS	
ITEM 1b:	TURF TRACTOR FOR GANG REEL MOWER	
	R. W. Moore Equipment Co., Inc.	$ 9,707.00
	Senter-Sanders Tractor Corp.	10,035.00
	Wendell Tractor & Imple. Co.	10,294.40

Revels Tractor Co., Inc. 11,300.00

RECOMMEND: R. W. MOORE EQUIPMENT CO., INC.

ITEM 2: TURF TRACTOR w/SICKLE BAR AND WOODS MOWER

R. W. Moore Equipment Co., Inc.	$15,166.00
Senter-Sanders Tractor Corp.	15,575.00
Revels Tractor Company, Inc.	16,630.00
Wendell Tractor & Imple. Co.	17,204.40

RECOMMEND: R. W. MOORE EQUIPMENT CO., INC.

Administration recommends the joint award to R. W. Moore Equipment Company, Inc. and E. J. Smith and Sons as outlined. Consent Agenda approval - Congleton/Babb - 8 ayes.

PUBLIC UTILITY PROJECTS - VARIOUS LOCATIONS - RESOLUTION OF INTENT ADOPTED

P.U. 1984-2 - Installation of approximately 1,691 feet of 8-inch sanitary sewer main beginning in the right-of-way of Winthrop and Dodsworth Drive southward 217 feet in Dodsworth, hence eastward within an easement to Winthrop Drive and eastward along lots at 6104 and 6100 within an easement. The estimated cost is $60,000.00. An assessment would be on a per lot basis. The request was made by Fred Rosendahl.

P.U. 1984-3 - Installation of approximately 2,550 feet of 8-inch sanitary sewer main beginning at the Hare Snipe Creek Outfall on the west side of Winthrop Drive at Sleepy Hollow Drive continuing northward along the rear lots on the east side of Winthrop Drive and terminating at 5808 Contour Drive. The estimated cost is $75,000.00. An assessment would be a per lot basis. The service has been requested by David Blevins, 5808 Contour Drive. Administration requests that the Council adopt a Resolution of Intent to set a public hearing date of April 17, 1984. Consent Agenda approval - Congleton/Babb - 8 ayes.

RESOLUTION NO. (1984) 468

A RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO EXTEND THE SEWER SYSTEM OF THE CITY OF RALEIGH AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFORE AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council of the City of Raleigh is authorized by Article 10 of Chapter 160A of the General Statutes of North Carolina to direct that the sewer system of the City of Raleigh be constructed, reconstructed, extended and otherwise improved and the cost thereof to be assessed against lands assessable therefore; and

WHEREAS, the City Council of the City of Raleigh finds it to be in the best public interest to construct sewer mains located and described as follows:

(a) P.U. 1984-2 - Installation of 1,691 feet of 8-inch sanitary sewer main within the rights-of-ways and easements beginning in the right-of-way of Winthrop and Dodsworth southward 217 feet in Dodsworth, hence eastward within an easement to Winthrop Drive and eastward along lots at 6104 and 6100 within an easement. (Assessment on per lot basis to apply.)

(b) P.U. 1984-3 - Installation of approximately 2,550 feet of 8-inch sanitary sewer main beginning at the Hare Snipe Creek Outfall on the west side of Winthrop Drive at Sleepy Hollow Drive continuing northward along rear lots on the east side of Winthrop Drive and terminating at 5808 Contour Drive. (Assessment on per lot basis to apply.)

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the above described improvements be made and that the costs thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 2. That 100 percent of the total cost of said improvement which can be assessed acording to the provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessments will be made according to the following method: Front footage of property abutting the extension.

Section 3. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 4. That a public hearing on all matters covered by this resolution shall be held on the 1st day of May, 1984, at 7:00 p.m., in the Council Chamber, _____, Municipal Building, or as soon thereafter as the matter can be reached.

Adopted: March 20, 1984

TRAFFIC - VARIOUS CHANGES - ORDINANCE ADOPTED

The Agenda presented changes in the traffic code relating to no parking on Blount Street and Hargett Street and Permit Parking Area D - Port Royal Road. Administration recommends approval as outlined. Consent Agenda approval - Congleton/Babb - 8 ayes.

ORDINANCE NO. (1984) 303

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 13 entitled "NO PARKING" be amended by adding the following:

Blount Street, west side, beginning at a point 217 feet south of Peace Street, southward 40 feet
Hargett Street, south side, from Bloodworth Street, westward 90 feet

Amend said Section further by deleting the following:

Hargett Street, south side, beginning at Bloodworth Street, westward 29 feet

Section 2. That Traffic Schedule No. 21 entitled "PERMIT PARKING AREA D" be amended by adding the following:

Port Royal Road, both sides, from Timber Ridge Road to Partridge Lane

Amend said Section further by deleting the following:

Port Royal Road, both sides, from Quail Ridge Road to Timber Ridge Road

Section 3. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. That this ordinance shall become effective March 27, 1984.

Adopted: 3/20/84

Effective: 3/27/84

THIS IS THE END OF THE CONSENT AGENDA

1990 CENSUS - LOCAL PUBLIC MEETING - CITY TO CO-SPONSOR

The Census Bureau is sponsoring a series of local public meetings across the nation this year. Raleigh is designated as the site for North Carolina on Tuesday, July 31, 1984. Council Members received information in their Agenda packet that describes the purpose and format for this meeting series.

Recommendation: It is recommended that the City of Raleigh co-sponsor this meeting with the U.S. Census Bureau and the North Carolina State Data Center. Further, it is recommended that the City furnish a meeting room for approximately 200 people in the Civic Center from 8:30 a.m. to 5:00 p.m. on July 31, at no charge.

Mr. Congleton indicated he requested that this item be withdrawn from the Agenda pointing out the Agenda recommends that the meetings be held in Raleigh, but the information in the Agenda packet stated the meeting would be in Charlotte. Planning Director Chapman indicated the original plan was for Charlotte, however, after discussion, it was agreed that these would be held in the State capital. Therefore, the meeting was moved to Raleigh. Mr. Congleton moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

COMPREHENSIVE PLAN AMENDMENT - COLLECTOR STREET PLAN - REFERRED TO COMPREHENSIVE PLANNING COMMITTEE

The Agenda indicated the Collector Street Plan on the south side of the southern Beltline between State Street and Rock Quarry Road should be amended. In anticipation of pending development in the area, Administration has prepared a proposed amendment to the Collector Street Plan and Council Members received a copy of a map showing the amendment in their Agenda packet.

Recommendation: It is recommended the Council authorize a public hearing for the regular joint hearing in May to consider amending the Collector Street Plan by adding a street in this area.

Mr. Calloway indicated the Comprehensive Planning Committee worked on developing the land use update for this area, therefore, he feels that the Comprehensive Planning Committee should look at any amendments for the area south of the Beltline. He request that the proposed amendment to the Collector Street Plan in this area be

referred to the Comprehensive Planning Committee. Without objection, the item was so referred.

SPECIAL ITEMS

UNSAFE BUILDING - 330 EAST DAVIE STREET - PROCEED WITH DEMOLITION ORDERS

During the February 21, 1984, Council Meeting, Mrs. S. J. Love requested an extension of time relating to the unsafe dwelling at 330 East Davie Street. The Council has adopted an ordinance directing that the property is unsafe and ordering that it be demolished. It was agreed to place this item on this Agenda and receive a report from Administration, at which time further action could be taken on the request for an extension of time.

City Manager Benton indicated an inspection was conducted on March 19 and it was determined there was no changes in the conditions at the structure. Ms. Block moved that the City proceed with the demolition orders. Her motion was seconded by Ms. Cates. Mrs. Love asked if she could be heard pointing out she had planned on having the work done by this time. She stated she had been getting bids to have the work done and she would ask for additional time. She indicated she felt she should be given some consideration as she wants to preserve the building and pointed out she is under heavy tax burden on this building. After brief discussion, the motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

TRAFFIC- REQUEST FOR SPEED REDUCTION ON LAKELAND DRIVE - DENIED; PEDESTRIAN SIGNS AUTHORIZED

During the February 21, 1984, Council Meeting, Bill Hoening, 6424 Lakeland Drive, was at the meeting and made several requests relating to traffic in the Lake Park Subdivision. One request was that the speed limit on Lakeland Drive be reduced from 35 mph to 25 mph. The action of Council was to direct that the request be placed on this Agenda for further consideration after a report from Administration. (A report dated March 12, 1984 outlining the City Policy was included in the Council Members' Agenda packet).

Mr. Congleton moved that the speed limit on Lakeland Drive be reduced from 35 mph to 25 mph. His motion was seconded by Ms. Babb. Mr. Walters pointed out the Council received a recommendation from staff recommending against this speed reduction, and he feels to pass this motion we would be setting precedent and every neighborhood would want the same privilege. He indicated many times neighborhoods have come to the City and asked for a change in the speed limits, but the Council has turned them down and followed our normal policy. He stated, in his opinion, the Administrative report is clear, concise, outlines the City Policy well, and he does not feel that the Council should go against the recommendation of Administration. Mr. Congleton indicated everyone in the neighborhood has requested the reduction, and he feels that we should look at each case on an individual basis studying the merits of each request. Ms. Babb indicated there is a very strong feeling on the neighborhood's part, a number of children in the area and a swim club in the area. She stated there is a strong perception that the neighborhood would be safer if the speed limit is lowered. She stated we do have a report from Administration that is in line which outlines the City's policy, but she feels that is the responsibility of the City Council to consider each case individually. Mayor Upchurch indicated this needs to be considered very carefully pointing out it is felt by the speed checks, etc., that the people are driving at higher than 25 mph speeds and the traffic speed will not change no matter what the posted speed is. Ms. Block indicated she feels that we should operate by our adopted policy rather than a case-by-case basis unless there is some extreme urgency or problem. Discussion took place about setting precedents, the neighborhood's feelings, the fact that this is not a Collector Street, past actions on requests for reductions, etc. Ms. Cates questioned the possibility of putting in a pedestrian signs instead of reducing the speed limit. She stated reducing the speed limit she feels might give people a false sense of safety but maybe the pedestrian crossing signs would help. Department of Transportation Director Blackburn indicated pedestrian crossing signs could very easily be installed and that might be an appropriate treatment pointing out the signs could be installed in the vicinity of the swim club to warn of the general area. The motion as stated was put to a vote with results as follows: ayes - Babb, Congleton, Calloway; noes - Upchurch, Walters, Block, Cates, Keller. The Mayor ruled the motion defeated. Ms. Cates moved that Administration be directed to place pedestrian crossing signs in the pool area on Lakeland Drive. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

SIDEWALK ASSESSMENT ROLL 198 - LAKE BOONE TRAIL - RESOLUTION CONFIRMING CHARGES ADOPTED

During the February 21, 1984, Council Meeting, a public hearing was held to consider confirming the cost for sidewalk installation on Lake Boone Trail according to Assessment Roll 198, adopted by Resolution 1984-438 on January 17, 1984. There was a question relative to the sidewalk assessment policy and the item was referred to the City Attorney for report back at this meeting. It would be appropriate to receive the report and consider the confirmation of the assessment roll.

City Attorney McCormick indicated he did look into the procedure and met with the Chief Engineer and Assessment Supervisor and he could find no violation of law or policy in the way nor the amounts of the assessments on Lake Boone Trail. He indicated all persons were treated alike and briefly explained the policy pointing

out the Council may want to look at the policy, but there was no violation of the present policy in assessing the sidewalks on Lake Boone Trail. Mr. Congleton moved adoption of a resolution confirming the charges as advertisement. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voted in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1984-469

RESOLUTION CONFIRMING CITY OF RALEIGH SPECIAL SIDEWALK ASSESSMENT ROLL

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment rolls hereinafter referred to, and notice of the meeting of the City Council hereinafter referred to, published according to law in The Raleigh Times, a newspaper legally qualified to publish legal advertising and following a public hearing on the allegations and objections of all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the 21st day of February, 1984, at the time and place fixed in accordance with Statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolution 1984-438 adopted on the 17th day of January, 1984, which assessments appear on "The City of Raleigh Special Sidewalk Assessment Roll 198", against the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon, all as shown on said assessment rolls which are hereby incorporated into and made a part of this resolution by reference thereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption of the resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed, as provided by Statute.

Section 3. That the amount of the assessment shall be payable in cash, or if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessment in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment rolls, payable annually upon the unpaid balance of the assessment rolls.

Section 4. That the assessments confirmed by this resolution and all payments of principal and interest thereof, shall be recorded in "The City of Raleigh Special Assessment Book" which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

Adopted: 3/20/84

BID REQUEST 83-40 - RENOVATION OF LANDFILL EQUIPMENT

Bids have been received for the renovation-overhaul of two landfill units; a dozier and a compactor. This item was held to receive additional information on the procedures/specifications to be used. Council Members received a report in their Agenda packet.
Mayor Upchurch indicated he had asked that this item be held over from the last meeting. He stated he has read the information included in the Agenda packet and he would move that Administration's recommendations of awarding the bid for the renovation of the 1977 International Compactor to Road Machinery Services, Inc., in the amount of $50,284.00 and the 1976 compactor in the amount of $40,061.00. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voted in the affirmative. The Mayor ruled the motion adopted.

REPORT OF THE PLANNING COMMISSION

CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Planning Commission Consent Agenda indicating it would be handled in the same manner as the regular Consent Agenda. Ms. Block requested that CR-4093 (S-30-84) be withdrawn. Ms. Cates requested that CR-4090 (S-22-84) be withdrawn. Mr. Walters requested that CR-4080 (Z-122-83) and CR-4098 (TC-260A) be withdrawn. Mr. Congleton requested that CR-4078 (PA-202), CR-4094 (S-31-84) and CR-4095 (S-33-84) be withdrawn. Mr. Keller requested that CR-4087 (S-17-84) be withdrawn. Without objections, these items were withdrawn. Mr. Congleton moved the Planning Commission's recommendations on the remaining items on the Consent Agenda be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Planning Commission Consent Agenda were as follows:

SUBDIVISION S-175-83 - VILLAGE OF WESTPINES - APPROVED WITH CONDITIONS

This was a request for approval to subdivide 5.63 acres which are currently undeveloped and zoned Residential-6 into 27 townhouse units. The property is located between Barringer Drive and Fairview Subdivision, north of Sumter Square Apartments, inside the City Limits.

CR-4021 from the Planning Commission recommended that this request be approved according to a map entitled, "Village of Westpines," the property of Ron Normark, drawn by B. Kenneth Martin, Walter B. Bunn and C. L. Blackmon, Jr., dated November 30, 1983, with the following conditions: (1) That the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to the recording of the final plats; and (2) that the agreement for sanitary sewer easement dedication be recorded prior to approval of the final construction plans. Consent Agenda approval - Congleton/Calloway - 8 ayes.

SC-226 - SEARS AUTO CENTER SIGN, CRABTREE VALLEY - APPROVED

This was a request for approval to construct a 70 square foot freestanding sign at the existing Sears Auto Center which is on its own parcel, zoned Shopping Center. The property is located at the southeast corner of NC 50 and US 70, Crabtree Valley Mall, inside the City Limits.

CR-4068 from the Planning Commission recommended that this request be approved according to a drawing entitled, "Sears Auto Center Sign, Crabtree Valley," the property of Sears, drawn by Harrell Sign Company, dated February 7, 1984. Consent Agenda approval - Congleton/Calloway - 8 ayes.

SUBDIVISION S-24-84 - COBLE ACRES - APPROVED

This was a request for approval to subdivide a 3.82 acre parcel which is currently undeveloped and zoned Residential-4 into six (6) lots. The property is located on the northwest corner of Leesville and Ponderosa Roads, outside the City Limits.

CR-4075 from the Planning Commission recommended that this request be approved according to a map entitled, "Coble Acres," the property of W. A. Marlowe, Jr. Construction Company, drawn by Priest, Craven and Associates, dated February 16, 1984. Consent Agenda approval - Congleton/Calloway - 8 ayes.

SUBDIVISION S-29-84 - HAL A. THOMPSON PROPERTY - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a 2.52 acre parcel into two (2) lots (.97 acre and 1.55 acres), zoned Industrial-II. The site is developed with two (2) structures, one on each lot. The property is located on the south side of Beryl Road, just east of Method Road, inside the City Limits.

CR-4076 from the Planning Commission recommended that this request be approved according to a map entitled, "Hal A. Thompson Property," the property of Hal A. Thompson and Grace A. Thompson, drawn by Glenn D. Ward and Associates, dated February 17, 1984, with the condition that the cross-access agreements are reviewed and approved by the City Attorney's Office and recorded prior to recording the final plat. Consent Agenda approval - Congleton/Calloway - 8 ayes.

SUBDIVISION S-32-84 - WAYNERIDGE LOT SIX CONDOMINIUMS - APPROVED

This was a request for approval to construct six (6) condominium units in one (1) building on a .77 acre parcel which is currently undeveloped and zoned Residential-10. The property is located on the north side of Wayne Street, just east of Jones Franklin Road, inside the City Limits.

CR-4077 from the Planning Commission recommended that this request be approved according to a map entitled, "Wayneridge Lot Six Condominiums," the property of Alton Smith, drawn by B. Kenneth Martin, dated February 15, 1984. Consent Agenda approval - Congleton/Calloway - 8 ayes.

SC-224 - DAYS INN SIGN - APPROVED

This was a request for approval to add 72 square feet of copy area on an existing 72 square foot sign at an existing motel-restaurant complex, zoned Shopping Center. The property is located on the south side of US 70 West (Glenwood Avenue), just west of Oak Park Road, inside the City Limits.

CR-4079 from the Planning Commission recommended that this request be approved according to a drawing entitled, "Days Inn Sign," the property of Days Inn, drawn by Art Sign, dated January 24, 1984. Consent Agenda approval - Congleton/Calloway - 8 ayes.

SUBDIVISION S-13-84 - PLANNERS NATIONAL BANK - APPROVED

This was a request for approval to dedicate an additional 15 feet of right-of-way along Lynn Road in conformance with the City's Comprehensive Thoroughfare Plan. The property is located on the northeast corner of Creedmoor Road and Lynn Road, outside the City Limits.

CR-4084 from the Planning Commission recommended that this request be approved according to a map entitled, "Planters National Bank," the property of Planters National Bank, drawn by Jerry Turner and Associates, dated January 3, 1984. Consent Agenda approval - Congleton/Calloway - 8 ayes.

PA-199 - PLANTERS NATIONAL BANK - APPROVED

This was a request for approval to construct a 1,200 square foot drive-in bank on a 0.8 acre parcel which is currently undeveloped and zoned Office and Institution-II, and Conservation/Buffer. The property is located on the northeast corner of Lynn Road and Creedmoor Road, outside the City Limits.

CR-4085 from the Planning Commission recommended that this request be approved according to a map entitled, "Planters National Bank," the property of Planters National Bank, drawn by Jerry Turner and Associates, dated January 3, 1984. Consent Agenda approval - Congelton/Calloway - 8 ayes.

SUBDIVISION S-20-84 - NORTH RIDGE ADDITIONS - APPROVED

This was a request for approval to subdivide a 7.8 acre tract which is currently undeveloped and zoned Residential-6 into 15 single-family lots. The property is located at the east end of Harps Mill Road, just east of Sagewood Court, inside the City Limits.

CR-4088 from the Planning Commission recommended that this request be approved according to a map entitled, "North Ridge Additions," the property of North Hills, Incorporated, drawn by John A. Edwards and Company, dated February 17, 1984. Consent Agenda approval - Congleton/Calloway - 8 ayes.

SUBDIVISION S-21-84 - IVY COMMONS - APPROVED

This was a request for approval to subdivide and construct 156 condominium units on 6.9 acres which are currently undeveloped and zoned Residential-20 (3.6 acres) and Residential-30 (3.3 acres). The property is located on the east side of Avent Ferry Road, just south of Varsity Drive, inside the City Limits.

CR-4089 from the Planning Commission recommended that this request be approved according to a map entitled, "Ivy Commons," the property of Barrow-Safrit, Inc., drawn by Jerry Turner and Associates, dated March 5, 1984. Consent Agenda approval - Congleton/Calloway - 8 ayes.

PA-200-BARTON'S LANDING PHASE 2 - APPROVED WITH CONDITIONS

This was a request for approval to transfer residential density from the Conservation/Buffer which is adjacent to Residential-10 land. Lot 2 would transfer 12 units from the Conservation/Buffer land to 68 units on the Residential-10 land for a total of 80 units. Lot 3 would transfer 7 units from the Conservation/Buffer land to 185 units on the Residential-10 land for a total of 192 units.The property is located north of Proposed Lynn Road, on the west side of Ray Road and east of Lake Lynn, outside the City Limits.

CR-4091 from the Planning Commission recommended that this request be approved according to a map entitled, "Barton's Landing, Phase 2," the property of Drexel Properties, Inc., drawn by Priest, Craven and Associates, dated February 1, 1984, with the condition that the approved site plan be recorded in conformance with Section 10-2022 prior to issuing any building permits. Consent Agenda approval - Congleton/Calloway - 8 ayes.

Later in the meeting, Mr. Congleton requested that the City Council reconsider the action on PA-200. His motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted. Mr. Congleton had questions about the transfer of density pointing out everyone has been talking about the density around Lake Lynn, and he understands that this would allow for a transfer of density. Planning Director Chapman indicated when this land was zoned, Conservation/Buffer zoning was placed on it and to transfer the density it has to come to City Council so it will be a part of the record that the density has been transferred. Brief discussion took place and Mr. Congleton moved that CR-4091 as recommended by the Planning Commission be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

SC-225 - RIDGEWOOD SHOPPING CENTER SIGN - APPROVED WITH CONDITIONS

This was a request for approval to construct a 114 square foot freestanding sign at an existing shopping center, zoned Shopping Center. The property is located on the northeast corner of Ridge Road and Wade Avenue, inside the City Limits.

CR-4096 from the Planning Commission recommended that this request be approved according to a drawing entitled, "Ridgewood Shopping Center Sign," the property of E. N. Richards and Associates, drawn by Graphicon Corporation, dated February 1, 1984, with the condition that the existing freestanding sign at the Phillips 66 Station be removed. Consent Agenda approval - Congleton/Calloway - 8 ayes.

TC-247B - DAY CARE VEHICLES - APPROVED - ORDINANCE ADOPTED

This was a request for approval to amend Subsection 10-2073(c)(12) to permit only one (1) vehicle used in connection with the day-care facility in residential zoning districts to be stopped or stored on the premises.

CR-4097 from the Planning Commission recommended that TC-247B be approved as requested. Consent Agenda approval - Congleton/Calloway - 8 ayes.

ORDINANCE NO. (1984) - 304 TC 209

AN ORDINANCE LIMITING VEHICLE PARKING AND STORAGE BY DAY-CARE CENTERS IN RESIDENTIAL ZONES, PURSUANT TO SPECIAL USE PERMIT

BE IT ORDAINED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA that:

Section 1. Subsection 10-2073(c)(12) of the Raleigh City Code, relating to day-care facilities, is hereby amended to add a new subsection, i, said new subsection to follow 10-2073(c)(12)h, and to read as follows:

"i. Only one vehicle used in connection with the day-care facility in residential zoning districts will be stopped or stored on the premises.".

Section 2. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 3. This ordinance has been adopted following duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 4. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 5. This ordinance shall be enforced as provided in N.C.G.S. 160A-175.

Section 6. This ordinance shall become effective upon its adoption.

ADOPTED: 3/20/84

EFFECTIVE: 3/20/84

REZONING Z-26-84 - DENISE DRIVE - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 14.8 acres from Residential-6 to Shopping Center.

CR-4099 from the Planning Commission recommended that Z-26-84 be approved as amended; that is, that Z-26-84 be rezoned to Office and Institution-I (approximately 9.5 acres) and Conservation/Buffer (approximately 5 acres), according to the map on file in the Planning Department. Consent Agenda approval - Congelton/Calloway - 8 ayes.

ORDINANCE NO. (1984) 305 ZC 135

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Near Avent Ferry Road, westward, just north of Lake Johnson, being portions of Parcels 3 and 4, Tax Map 575, approximately 3.5 acres rezoned to Residential-6 District, according to map on file in the City of Raleigh Planning Department. (Z-130-83)

(b) Cross Link Road, north side, between Rock Quarry Road and Hadley Drive, opposite Lynnhurst Drive, being a portion of Parcel 1, Tax Map 607 rezoned as follows: the south side of request (which has frontage on Cross Link Road) rezoned to Residential-4 to a depth of 125 feet, and the remainder of the request rezoned to Shopping Center, according to map on file in the City of Raleigh Planning Department. (Z-21-84)

(c) Denise Drive, north and south sides, between Jones Franklin Road and the intersection of U.S. I and I-40, being Parcels 8, 11, 55-61 and 78, Tax Map 575, (9.5 acres) rezoned to Office and Institution-I and (5 acres) rezoned to Conservation/Buffer, according to a map filed in the City of Raleigh Planning Department. (Z-26-84)

(d) Reaves Drive, east and west sides, between Avon Drive and Hudson Street; Reaves Drive, east side, between Avon Drive and Pine Drive; Avon Drive,

south side, between Carroll Drive and Reaves Drive; Avon Drive, north and south sides, between Reaves Drive and Pine Drive, west side, between Hudson Street and Reaves Drive; and Hudson Street, north side, between Carroll Drive and Pine Drive; being some 59 lots within Blocks F-78, F-80 and F-81, Tax Map F-25, approximately 26 acres rezoned to Residential 6 District, according to map on file in the City of Raleigh Planning Department. (Z-30-84)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective March 20, 1984.

Adopted: 3/20/84

Effective: 3/20/84

END OF PLANNING COMMISSION CONSENT AGENDA

PA-202 - SIX FORKS OFFICE BUILDING - APPROVED WITH AMENDMENTS

This was a request for approval to construct a 55,200 square foot office building on a 3.14 acre parcel which is currently undeveloped and zoned Office and Institution-II. The property is located on the east side of Six Forks Road, just north of Millbrook Road, inside the City Limits.

CR-4078 from the Planning Commission recommended that this request be approved according to a map entitled, "Six Forks Office Building," the property of Six Forks Road Plaza Associates, drawn by J. N. Pease Associates, dated February 17, 1984, with the condition that the cross-access agreements are reviewed and approved by the City Attorney's Office and recorded prior to issuing a building permit.

Mr. Congleton indicated he has requested that this be withdrawn from the Consent Agenda questioning if this property touches the cul-de-sac and the access. Planning Director Chapman indicated he did not believe there would be a through connection between the right-of-way, and the only access would be on to Six Forks Road. Mr. Congleton moved the Planning Commission's recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REZONING Z-122-83 - POOLE ROAD - REFERRED TO THE PUBLIC WORKS COMMITTEE

This was a request for approval to rezone approximately one (1) acre from Residential-4 to Neighborhood Business.

CR-4080 from the Planning Commission recommended that Z-122-83 be denied.

Planning Director Chapman explained the location, the requested rezoning, and the Planning Commission's recommendation. Mr. Walters indicated he requested this item be withdrawn from the Consent Agenda pointing out the Residential-4 zoning was placed on this property when it come into the City's jurisdiction. He indicated there is some Shopping Center zoning nearby, however, no development has occurred. He indicated when the road is extended in this area and development occurs, this will be a viable area for Shopping Center zoning; however at this point, it is undeveloped Shopping Center zoning. He stated, in his opinion, there is need for neighborhood business zoning in this area and he would like to refer it to the proper committee pointing out all of the surrounding property owners are in favor of the rezoning. Ms. Block questioned if there was a valid petition of opposition with Mr. Walters indicating everyone is in favor of the rezoning. Brief discussion took place and Mr. Walters moved that rezoning application Z-122-83 be referred to Public Works Committee. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

SUBDIVISION S-17-84 - THE OAKS AT AVENT FERRY - APPROVED; ADMINISTRATION TO TAKE ACTION ON EASEMENT QUESTION

This was a request for approval to revise the location of the previously approved units and drives within Phase 4 of the development, consisting of 4.16 acres, zoned Residential-6, with 25 units. The property is located on the south side of Avent Ferry Road, just west of Athens Drive, inside the City Limits.

CR-4087 from the Planning Commission recommended that this request be approved according to a map entitled, "The Oaks at Avent Ferry," the property of W. B. Nivison, drawn by L. I. Chasak, dated January 31, 1984.

Mr. Keller indicated he requested this item be withdrawn from the Consent Agenda indicating he heard that in the original approval there was access from Lake Johnson. City Manager Benton indicated there is a recorded easement along the boundary of the property, therefore, Mr. Keller moved that the Planning Commission's recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

Ms. Block asked that Administration take action on the easement and the access and that was referred to Administration.

SUBDIVISION S-22-84 - BARTON'S LANDING - APPROVED

This was a request for approval to subdivide a 41 acre tract which is currently undeveloped and zoned Residential-10 (37.08 acres) and Conservation/Buffer (3.92 acres) into three (3) parcels. The property is located north of Proposed Lynn Road Extension, between Ray Road and Lake Lynn, outside the City Limits.

CR-4090 from the Planning Commission recommended that this request be approved according to a map entitled, "Barton's Landing," the property of Drexel Properties, Inc., drawn by Priest, Craven and Associates, dated February 1, 1984; and that the greenway easement be accepted.

Ms. Cates indicated she had requested that this be withdrawn from the Consent Agenda pointing out it is not often that the City Council has an opportunity to express appreciation to a developer who has given the City greenway. She indicated the developers in this area has been very cooperative, and she would like to publicly say thank you. Mr. Congleton questioned the transfer of density with it being pointed out that that refers to PA-200. Ms. Cates moved the Planning Commission's recommendation on CR-4090 - Barton's Landing be upheld. Her motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

SUBDIVISION S-30-84 NORTH RIDGE ESTATES - APPROVED WITH CONDITIONS; CITY TO PARTICIPATE

This was a request for approval to subdivide and construct a 414-unit cluster development consisting of 168 single-family units and 246 multi-family units on 119.63 acres, zoned Residential-4. The property is located at the north end of Rainwater Drive and west of Litchford Road, outside the City Limits.

CR-4093 from the Planning Commission recommended that this request be approved according to a map entitled, "North Ridge Estates," the property of North Ridge Estates Associates, drawn by Priest, Craven and Associates, dated February 16, 1984, with the following conditions: (1) That the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats; (2) that a stormwater management plan and program be developed and approved by the Staff in conformance with the Perry Creek Stormwater Policy being formulated by the City Council; (3) that all associated development fees required in the Perry Creek drainage area be paid when the project is developed and all aspects of the Perry Creek Policy be complied with; and (4) that this development be responsible for making the connection of proposed Rainwater Drive to the existing Rainwater Drive to the south over the creek.

Ms. Block indicated she had requested that this item be withdrawn from the Consent Agenda asking if the bridge question has been settled.

City Manager Benton indicated the City had the approval process for a tract of land south of this property and had a bond posted by the developer - Mr. Prescott - who had a problem with construction of the bridge. He indicated since this item was in Committee, Jim Branch came to the City and has worked with the City and submitted information to the end that he would install the bridge and the road and extend Rainwater Drive with the provision that the City would participate. He indicated that it is estimated that the bridge structure would cost some $141,000.00 and the City's contribution would be in the range of $49,942.00. He indicated in working with Mr. Branch on this item it is felt that this will resolve problems and will benefit the City. Therefore, Administration recommends that the City participate in this project as outlined. Ms. Block moved the Planning Commission's recommendation be upheld and that the City participate as outlined by the City Manager. Her motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

SUBDIVISION S-31-84 - STAFFORD TOWNHOMES - APPROVED WITH CONDITIONS; WALL TO BE REMOVED PRIOR TO CO'S BEING ISSUED

This was a request for approval to subdivide and construct 73 townhouse units on 14.9± acres which are currently undeveloped and zoned Residential-6. The property is located east of Sandy Forks Road and north of Dublin Drive, inside the City Limits.

CR-4094 from the Planning Commission recommended that this request be approved according to a map entitled, "Stafford Townhomes," the property of Hunt Development, drawn by Bass, Nixon and Kennedy, dated February 1, 1984, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats.

Mr. Congleton indicated this is the location of the wall on Sandy Forks Road that is encroaching on the City right-of-way. He explained recently the developers came to the City and requested permission to allow the encroachment and the City ruled that the wall had to be removed. However, the wall is still standing, but he understands that they have not requested their Certificate of Occupancy. Mr. Benton indicated the City will make every effort to make sure that the wall is removed before the CO's are issued. Planning Director Chapman talked about the road improvements in the area pointing out the plans call for the City to provide the right-of-way for a cul-de-sac, but the developers are to make improvements for access into the Cedar Hills Park. Mr. Congleton moved the Planning Commission's recommendation be upheld. His motion was seconded by Mr. Keller and put to a vote which passed unanimously.

The Mayor ruled the motion adopted.

SUBDIVISION S-33-84 - WESTBROOK NORTH CLUSTER UNIT DEVELOPMENT - REFERRED TO LAW AND FINANCE COMMITTEE

This was a request for approval to subdivide a 26.6 acre parcel which is currently undeveloped and zoned Residential-4 into 88 single-family lots and develop a cluster unit development. The property is located on the north side of Sandy Forks Road, just west of Brook Hollow Drive, inside the City Limits.

CR-4095 from the Planning Commission recommended that this request be approved according to a map entitled, "Westbrook North Cluster Unit Development," the property of Jordan H. Parker, drawn by James A. Bridger, Jr., dated January 28, 1984, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats; and that the City consider accepting the dedication of the 2.7± acres as park site, subject to the recommendation of the Parks and Recreation Advisory Board.

Mr. Congleton indicated he would like for this item to go to Law and Finance Committee. Without objection, the item was so referred.

TC-260A - CITY UTILITIES FOR LIMITED GEOGRAPHICAL AREAS - REFERRED TO PUBLIC WORKS COMMITTEE

This was a request for approval to establish a system of regulations, fees and procedures for providing utility interceptors, central treatment plants and other major utility projects to serve limited geographical areas.

CR-4098 from the Planning Commission recommended that Sections 7, 8, 9, 10 and 11 of TC-260A relating to water supply for mobile home parks, group housing projects, and multi-family dwelling developments be approved as recommended.

Mr. Walters indicated the Planning Commission is sending forth only those items relating to the Perry Creek and Neuse River and not the ones relating to Falls. Therefore, he would like to refer this item to Public Works Committee to be held until we hear from the land owners in the area who are doing their studies. Without objection, the item was referred to Public Works Committee.

REZONING Z-18-84 - NEW BERN AVENUE - SHOPPING CENTER ZONING APPROVED ON FIRST READING; TO BE PLACED ON APRIL 3, 1984, AGENDA FOR SECOND READING

This was a request for approval to rezone approximately 6.6 acres from Office and Institution-I to Shopping Center.

CR-4073 from the Planning Commission recommended that a five-foot (5') strip along the New Bern Avenue frontage be rezoned from Office and Institution-I to Conservation/Buffer and the remainder of the request be denied (remain Office and Institution-I).

Planning Director Chapman explained the rezoning request and the recommendation from the Planning Commission. Mr. Walters indicated this is a very confusing case pointing out there are five lots facing New Bern Avenue and each would have access. He stated there are questions about the Conservation/Buffer and the affect that it would have on the access. He stated the concern of the neighborhood was that the City reduce access in this area onto New Bern Avenue. He stated the property owners and adjoining neighborhood has no problem with the Shopping Center zones and the applicant has suggested right turns only on New Bern Avenue. Discussion took place with it being pointed out that a zoning case could not have a condition about traffic but Shopping Center zoning would have site plan approval. Therefore, Mr. Walters moved that rezoning application Z-18-84 be approved as requested. His motion was seconded by Ms. Babb.

Mr. Upchurch indicated he has had problems with this case pointing out he still believes that this is O&I property. He stated he feels if this is rezoned to Shopping Center, we will be disappointed down the road pointing out he feels it should be O&I use. Ms. Block talked about the traffic pattern in the area and the proposed traffic relative to Shopping Center zoning. She stated she feels if this is zoned Shopping Center, we will end up with a strip shopping area along New Bern Avenue. Mr. Walters pointed out there is a lot of undeveloped O&I in the area. He pointed out it is about one and a half miles to Longview Shopping Center, and the other way to shopping you have to cross the Beltline, Railroad, Crabtree Creek, etc. Therefore, he feels there is a need for shopping in this area. Discussion took place on the shopping in the area, what clientele it serves, etc., after which, the motion as stated was put to a vote which resulted as follows: ayes - Walters, Babb, Calloway, Cates, Congleton; noes - Block, Keller, Upchurch. The Mayor ruled the motion adopted. It was pointed out that this requires an Ordinance and for an ordinance to be passed on the first reading, six votes are required; therefore, this item would be on the Agenda for April 3, 1984, for a second consideration.

ORDINANCE NO. (1984) 306 ZC 136

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) New Bern Avenue and Calumet Drive between Sunnybrook Road and Crabtree Creek, being Parcel 85, Tax Map 526, approximately 6.6 acres rezoned to Shopping Center District.

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective upon adoption at the second reading.

Adopted First Reading: 3/20/84

Adopted Second Reading: 4/3/84

Effective:

REZONING Z-7-84 - LYNN ROAD - DENIED

This was a request for approval to rezone approximately 1 acre from Residential-4 to Residential-6. CR-4081 from the Planning Commission recommends that the case be denied. Planning Director Chapman explained the request and recommendation. Mr. Congleton moved the Planning Commission's recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REZONING Z-21-84 - CROSS LINK ROAD - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately eight (8) acres from Office and Institution-III to Shopping Center.

CR-4082 from the Planning Commission recommended that Z-21-84 be approved as amended; that is, that the south side of the request (which has frontage on Cross Link Road) be rezoned to Residential-4 to a depth of 125 feet, and that the remainder of the request be rezoned to Shopping Center.

Planning Director Chapman explained the zoning request as well as the Planning Commission's recommendation. Mr. Calloway moved that the Planning Commission's recommendation be upheld. He pointed out he has friends on both sides of this issue, and he supports the rezoning because it comes out of the Land Use Plan developed over the past few years for this area. He indicated that this plan and rezoning is the developers' response to the needs expressed for this area. He stated he feels there are legitimate needs but at the same time, he feels the objections voiced in this case were very valid. He stated in supporting the Planning Commission's recommendation, he would like to underscore the fact that the opposition was legitimate, and the developers have tried to relieve some of the problems that the neighborhood expressed by releasing some of the land to residential and pointing out the City Council would have site plan approval. Mr. Calloway's motion was seconded by Ms. Babb. Mr. Upchurch indicated he does see needs in this area that should be answered, and he sees a very diligent effort on the part of the developers to relieve the problems in this case. He indicated he is very happy to see local developers in this project. Ms. Block questioned if there was a valid petition of opposition with the Clerk indicating there was no valid petition of opposition. Discussion took place as to whether there was a petition presented at the public hearing with the Clerk pointing out she has no record of a petition being presented at the public hearing. This was discussed. Ms. Block pointed out earlier in the Agenda the Council referred a proposed amendment to the Collector Street Plan in the area to the Comprehensive Planning Committee and may be these two items should be studied together. Mr. Walters indicated his problem is Residential-4 zoning pointing out the Council would not have plan approval on this and would not have anything to say about the traffic patterns and congestion which is already bad. He stated if it were all zoned Shopping Center, the Council would have site plan approval. He stated it is legal to rezone part of the property Residential-4, but it is outside the perimeter of what was asked for. After other discussions, the motion as stated was put to a vote which resulted in all members voting in the affirmative except Ms. Block and Mr. Walters who voted in the negative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 305 ZC 135

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Near Avent Ferry Road, westward, just north of Lake Johnson, being portions of Parcels 3 and 4, Tax Map 575, approximately 3.5 acres rezoned to Residential-6 District, according to map on file in the City of Raleigh Planning Department. (Z-130-83)

(b) Cross Link Road, north side, between Rock Quarry Road and Hadley Drive, opposite Lynnhurst Drive, being a portion of Parcel 1, Tax Map 607 rezoned as follows: the south side of request (which has frontage on Cross Link Road) rezoned to Residential-4 to a depth of 125 feet, and the remainder of the request rezoned to Shopping Center, according to map on file in the City of Raleigh Planning Department. (Z-21-84)

(c) Denise Drive, north and south sides, between Jones Franklin Road and the intersection of U.S. I and I-40, being Parcels 8, 11, 55-61 and 78, Tax Map 575, (9.5 acres) rezoned to Office and Institution-I and (5 acres) rezoned to Conservation/Buffer, according to a map filed in the City of Raleigh Planning Department. (Z-26-84)

(d) Reaves Drive, east and west sides, between Avon Drive and Hudson Street; Reaves Drive, east side, between Avon Drive and Pine Drive; Avon Drive, south side, between carroll Drie and Reaves Drive; Avon Drive, north and south sides, between Reaves Drive and Pine Drive, west side, between Hudson Street and Reaves Drive; and Hudson Street, north side, between Carroll Drive and Pine Drive; being some 59 lots within Blocks F-78, F-80 and F-81, Tax Map F-25, approximately 26 acres rezoned to Residential 6 District, according to map on file in the City of Raleigh Planning Department. (Z-30-84)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective March 20, 1984.

Adopted: 3/20/84

Effective: 3/20/84

REZONING Z-30-84 - REAVES DRIVE AREA - PROPERTY REZONED TO RESIDENTIAL-6

This was a request for approval to rezone approximately 26 acres from Residential-10 to Residential-4.

CR-4083 from the Planning Commission recommended that Z-30-84 be approved as amended; that is, that the property contained in Z-30-84 be rezoned to Residential-6, except Lot 26 which is to remain Residential-10.

Planning Director Chapman explained the rezoning application as well as the Planning Commission's recommendation. Ms. Block pointed out the Planning Commission is recommending that the property be rezoned Residential-6 with the exception of Lot 26 which the Planning Commission recommends remain Residential-10. She indicated if Lot 26 were rezoned Residential-6, two units could be placed on it, and she feels that that would be much more compatible with the whole area. Planning Commission Chairman Woodlief indicated plans have been presented on Lot 26. Ms. Block moved that the total area covered by rezoning application Z-30-84 be rezoned to Residential-6. He motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

COMMITTEES, COMMISSIONS AND BOARDS

APPEARANCE COMMISSION - NO ACTION TAKEN

The City Clerk reported one vacancy on the Appearance Commission due to the resignation of Catherine Rieger. Nominations include Carolyn Andrews and Bernadine Weddington. Nominations have not been closed. Mr. Congleton moved that nominations to the Appearance Commission be closed. His motion was seconded by Ms. Babb and put to vote which passed unanimously. The Mayor ruled the motion adopted.

A ballot vote resulted as follows: Andrews - 4 (Cates, Calloway, Babb, Congleton); Weddington - 4 (Upchurch, Keller, Walters, Block). Since no nominee received five votes, a second vote was taken with results as follows: Andrews - 4 (Congleton, Babb, Calloway, Cates); Weddington - 4 (Keller, Upchurch, Walters, Block). No nominee received five votes, therefore, it was agreed to hold action until the next meeting.

The Clerk pointed out there are three terms that expire in April, but it has been agreed to make appointments to the current vacancy prior to making nominations on the April terms.

BOARD OF ADJUSTMENT - JOHN SILVERSTEIN REAPPOINTED

The City Clerk reported the term of John Silverstein expires April 15. He has been nominated for reappointment and nominations have not been closed. There being no further nominations, Mr. Keller moved that nominations to the Board of Adjustment be closed and Mr. Silverstein was appointed by acclamation. His motion was seconded by Mr. Walters and put to a vote which resulted in all members voting in the affirmative. The Mayor announced the appointment of John Silverstein to a two-year term on the Board of Adjustment.

FAIR HOUSING HEARING BOARD - NO ACTION TAKEN

The City Clerk reported the term of Jimmy Coleman expires April 15, 1984. He has been nominated for reappointment and nominations have not been closed. Ms. Block asked about the composition on the Fair Housing Hearing Board, after which, it was agreed to hold action on this item for report on the composition.

HOUSING APPEALS BOARD - JAMES REVIS REAPPOINTED

The Clerk reported the term of James Revis expires April 1, 1984. He has been nominated for reappointment and nominations have been closed. There being no further nominations, Mr. Calloway moved that nominations to the Housing Appeals Board be closed and Mr. Revis appointed by acclamation. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

TELECOMMUNICATIONS COMMISSION - NOMINATIONS MADE

The Clerk reported one vacancy due to the resignation of Noel Allen. Karen B. Peeler has been nominated and nominations have not been closed. Mr. Congleton nominated Attorney Barbara Larkin. No further action was taken.

FALLS LAKE TECHNICAL ADVISORY COMMITTEE - CLAYTON CREAGER APPOINTED

The City Clerk reported one vacancy on the City of Raleigh Falls Lake Technical Advisory Committee due to the resignation of Dr. Rick A. Linthurst. No nominations have been made. Mayor Upchurch indicated Council members received a letter from Dr. Linthurst suggesting Clayton Creager. He stated this is sort of a temporary committee, and their work may be through shortly and it might be that the Council would want to go ahead and appoint Mr. Creager so that he can continue Dr. Linthurst's work. Brief discussion took place and Mr. Walters moved that the Council suspend the rules and appoint Mr. Creager to the Falls Lake Technical Advisory Committee. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ARTS COMMISSION - NOMINATIONS MADE

The City Clerk reported the terms of Diana Jones and Laurie E. Holder, Jr., expire May 4, 1984. Both are eligible for reappointment and have excellent attendance records. Ms. Babb nominated Diana Jones and Maryanne K. Jenkins. Mr. Congleton nominated Reverend David Brownlee. Mr. Walters nominated Mr. Holder. No further action was taken.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

REZONING Z-13-84 - NEW HOPE CHURCH ROAD - DENIED

Councilman Keller indicated by split vote, the Committee recommends that the property covered by rezoning application Z-13-84 be rezoned to Office and Institution-II (.92 acre) and Conservation/ Buffer (.21 acre). This recommendation is made with the understanding that the Planning Department will provide information at the Council Meeting relative to how this recommended zoning would fit into the area plan. On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Ms. Babb. Planning Director Chapman explained the location, street patterns in the area, access, etc. Mr. Keller pointed out there is a valid petition of opposition against this case. Planning Director Chapman explained the development in the area and how this zoning fits in that area. The motion as stated was put to a vote which resulted in all members voting in the negative except Ms. Babb who voted in the affirmative. The Mayor ruled the motion defeated. Therefore, the property would stay as it is presently zoned.

ANIMAL CONTROL ORDINANCE - VARIOUS CHANGES - ORDINANCE ADOPTED TO BE EFFECTIVE JANUARY 1, 1985

Councilman Keller indicated Council members received in their Agenda packet a proposed animal control ordinance change which is recommended for adoption. On the behalf of the committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb.

Police Attorney Bryant gave a detailed report on the present ordinance and the proposed ordinance highlighting the differences. She stated the basic difference involves changes to the "pooper scooper" law pointing out if an animal defecates on public right-of-way and the owner fails to clean it up then that is one violation whereas under the present code it is two violations. She stated the prohibition against urination is eliminated pointing out, however, under the Public Nuisance Section if an animal does anything to cause property damage, that animal could be cited under the Public Nuisance Section. She indicated a Public Nuisance Animal Section was added to give the City some mechanism by which the City could eliminate nuisance animals pointing out presently, the owner can be cited but nothing can be done to eliminate the public nuisance. She explained how the Public Nuisance Section would work pointing out it would require a written complaint, the abatement procedure, time limits, etc. Ms. Cates questioned if the complainant's name is held in confidence with Attorney Bryant indicating it is not. She indicated in the proposed ordinance, the appeal process would be through the City Manager and there has been some discussion as to whether it should be to the City Manager or the City Council. She explained provisions in the new proposal relating to reclaiming an inpounded animal. She stated another change involves the licensing of cats. Mr.

Walters pointed out evidently cats are not being inoculated, and it seems if we require proof of rabies before a tag can be purchased then we could allow the cat to wear only one tag. The possibility of flush-type tags for animals were discussed.

Mr. Congleton indicated there have been those who indicate that the only reason the City wants to license cats is to increase the revenue and that is by no means the intent of the City Council. He stated, in his opinion, the Council is trying to be fair and equitable. He stated he has received a lot of comments in terms of enforcement of the Animal Control Ordinance pointing out people have told him that when they called in to voice a complaint, they were told that an investigation would be made as soon as the police department could get to it. He stated if that becomes a major problem, may be we should look at issues such as response time or whatever, but he feels that the complaint should be handled timely. He indicated in the Committee meeting there was discussion about the possibility of having a flush-type tag on a cat collar, but he understands that many show cats do not wear collars because it messes up their fur; therefore, he would suggest that Section 12-3018(b) be amended to read as follows: "The metal cat license tag may be securely fastened to the cat's collar or harness or produced at the demand of any law enforcement officer. . .". This amendment was seconded by Ms. Block. It was pointed out if a cat is picked up without a tag, the police or the Animal Control Officers would have no way of knowing who the cat belongs to. Ms. Cates indicated she likes having the ordinance written to cover all domesticated animals, and she feels it is good that they all have to wear their tags. The number of cats that are inpounded on a yearly basis were discussed, after which, it was agreed to vote on the amendment only as made by Mr. Congleton. The motion on the amendment was put to a vote which results as follows: ayes - Block, Calloway, Congleton; noes - Keller, Babb, Walters, Upchurch, Cates. The Mayor ruled that motion on the amendment defeated.

Mr. Walters moved that the motion be amended to indicate that when show animals are under the direct control of the shower or owner then the animal did not have to wear a collar. This amendment did not receive a second. After lengthy discussion, Ms. Babb moved that the original motion be amended to indicate that the appeals process relating to Public Nuisance Animals will be the City Council. Mr. Keller accepted this amendment to the motion, therefore, the motion to approve the ordinance with the amendment that the appeals process would be the City Council rather than the City Manager was put to a vote which resulted in all members voting in the affirmative except Ms. Block who voted in the negative. The Mayor ruled the motion adopted. It was agreed that the efective date of the ordinance would be January 1, 1985.

ORDINANCE NO. (1984) - 307

AN ORDINANCE TO AMEND THE ANIMAL CONTROL ORDINANCE.

WHEREAS, the Council finds that dog feces that is not removed from public property and certain private property creates health problems for the community, and adversely affects the aesthetic quality of property; and

WHEREAS, the Council finds that dog urination does not present health problems nor appearance problems to the community nor could it be removed from property; and

WHEREAS, the Council finds that an abatement procedure is necessary to eliminate nuisance animals, because citing the animal owner does not alter the condition which creates the nuisances; and

WHEREAS, the Council finds that with a reasonable abatement procedure, responsible animal owners will take those steps which are necessary to eliminate a nuisance caused by their animal; and

WHEREAS, the Council has an obligation to protect its citizens from nuisance animals; and

WHEREAS, the Council believes that a sliding scale of penalties for repeated violations of the nuisance animal ordinance will deter repeated violations, and will allocate the costs of enforcing the nuisance animal ordinance to those who violate the ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. Article B, Part 12 of the Raleigh City Code is hereby reentitled to read: "Article B Dogs and Cats". Said Article is relocated so as to appear immediately before Section 12-3008.

Section 2. Subsections (b) and (c) of Section 3011 of the Raleigh City Code relating to dog defecation is repealed in its entirety, rewritten, and reenacted to read as follows:

"(b) It shall be unlawful for any person owning, harboring, keeping, or in charge of any dog to fail to remove feces deposited by the dog on any street, sidewalk, park or other publicly owned area.

(c) It shall be unlawful for any person owning, harboring, keeping, or in charge of any dog to fail to remove feces deposited by the dog on any private property unless the owner of the property has given permission allowing such use of the property.".

Section 3. Article B of Chapter 12 of the Raleigh City Code is amended to add three new subsections which shall read as follows:

"12-3016 Licensing of Cats.

(a) It shall be unlawful for any person to own, keep, or harbor any cat over the age of four (4) months within the corporate limits of the city unless such cat is licensed as provided herein.

(b) The licensing requirements herein shall not apply to any cat being kept in a cattery or other holding facility, or belonging to a non-resident of the city and kept within the boundaries of the city; provided, that all cats of non-residents shall at the time of entry into the city be properly vaccinated against rabies, and while being kept within the city, shall meet all other requirements of this chapter.

12-3017 Fees; issuance; transferability.

(a) The annual cat license fee shall be as follows:

Each cat. $6.00

(b) The cat license fee shall be due on January 1 of each year.

(c) The fee for replacing a cat license previously issued in the license year shall be one-half of the original fee, to be issued some evidence that a license was originally issued.

12-3018 License tag.

(a) Upon payment of the cat license fee to the city revenue collector or his duly authorized representative, a numbered metal identification tag shall be issued to the owner of a cat.

(b) The metal cat license tag shall be securely fastened to the cat's collar or harness, and it shall be unlawful for the owner of a cat to allow such cat to be within the city without the license tag.

State law reference - Animal taxes, G.S. 160A-212.".

Section 4. Section 12-3021 of the Raleigh City Code relating to public nuisance animals is repealed in its entirety, rewritten, and reenacted to read as follows:

"(a) It shall be unlawful to own, keep, or harbor a public nuisance animal within the city. Provided, however, it shall not be unlawful to own or keep a dog of vicious tendencies for the protection of persons or property, such dog is securely confined in a manner not to expose it to the general public. This exception for dogs for vicious tendencies does not extend to dogs which excessively make disturbing noises.

(b) Complaint and notice. Upon receipt of a written detailed and signed complaint being made to the animal control division of the police department by any resident or residents that any person is maintaining a public nuisance as defined in Section 12-3004(14) of this chapter, the Chief of Police shall cause the owner of the animal or animals in question to be notified that a complaint has been received, and shall cause the sitution complained of to be investigated and a report and finds thereon to be reduced to writing by the investigating animal control officer.

(c) Abatement. If the written findings of the investigating officer indicate that the complaint is justified, then the chief of police shall cause the owner or keeper of the animal or animals in question to be so notified in writing, by registered mail, return receipt requested, ordered to abate such nuisance within seven (7) days after notification, and issued a citation for the violation. In the event the owner of the animal or animals is unknown and cannot be ascertained, the notice and order, along with a general description of the animal or animals shall be published within a local newspaper.

(d) Impoundment upon failure to abate. If any person receiving notice in the manner hereinabove described shall fail or refuse to abate the nuisance upon order of the chief of police within the specified time, the police chief may cause the animal or animals in question to be apprehended and impounded in accordance with the provisions of Article E of this chapter.

(e) Right of appeal. Within the seven (7) day period mentioned in subsection (c) above, the owner of the nuisance animal may appeal the findings of the chief of police to the city manager by giving written notice of appeal to the chief of police, the appeal to stay the abatement of the nuisance until a final determination by the city council.

(f) Redemption; destruction. If the owner shall so request, the animal or animals may be redeemed pursuant to the provisions of section 12-3064 and upon the further condition that the owner execute a written agreement to comply with the abatement order. If no redemption and execution is made by the owner within the time specified under section 12-3063, then the animal shall be disposed of in accordance with the provisions of section 12-3065 hereunder.".

Section 5. The second sentence 12-3069 of the Raleigh City Code is repealed in its entirety and in lieu thereof insert the following:

"The first violation of 12-3021 Public Nuisance Animals, shall subject the violator to a civil penalty of fifteen dollars ($15.00); the second violation within six (6) months shall subject the violator to a civil penalty of twenty-five dollars ($25.00); and the third and each subsequent violation within six (6) months shall subject the violator to a civil penalty of fity dollars ($50.00). The violation of any other provisions of this chapter shall subject the violator to a civil penalty of fifteen dollars ($15.00).".

Section 6. Immediately following subsection 12-3008(a) add the following reference: "State law reference - Rabies vaccination, G.S. 12-130A-185.". Immediately following subsection 12-3008(b) add the following reference: "State law reference - Rabies vaccination tags, G.S. 130A-190.".

Section 7. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 8. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

ADOPTED: 3/20/84

EFFECTIVE: January 1, 1985

REZONING Z-12-84 - FALLS OF NEUSE ROAD - TO BE PLACED ON APRIL 3, 1984 AGENDA

Mr. Keller reported the Law and Finance Committee recommends that this property, being parcel 60, tax map 381, be rezoned from Residential-4 to O&I-III. He stated in making this recommendation, the Committee recommends that the Council state the intent that this property, if rezoned, would be the terminus point for non-residential zoning in this area. Mr. Congleton indicated Council members received a letter from the adjacent property owner explaining a water/drainage problem in this area. He stated he would like to defer action on this recommendation for two weeks to give the petitioner and the adjacent property owner an opportunity to get together and resolve the problem, and during this time, the staff could investigate the water problem. Therefore, he requested that this item be placed on the April 3, 1984, as a special item for consideration. Without objection, this was agreed to.

SUBDIVISION S-6-84 - COLONIAL HEIGHTS TOWNHOMES - APPROVED WITH CONDITIONS

Chairman Keller reported the Law and Finance Committee recommends that the Planning Commission's recommendation CR-4061 be upheld; that is, that this subdivision be approved according to a map entitled, "Colonial Heights Townhomes," the property of Glenn Carroll, drawn by Glenn D. Ward and Associates, dated January 19, 1984, with the condition that the legal documents for the nonprofit homeowners association be reviewed and approved by the City Attorney's office prior to recording the final plat. On the behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

SPORTS FESTIVAL - RESOLUTION OF SUPPORT - ADOPTED

Mr. Keller indicated Council members had received, at the beginning of the meeting, a proposed resolution of support of the Sports Festival which is recommended for adoption. On behalf of the Committee, he moved approval. His motion was seconded by Ms. Babb and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor rule the motion adopted.

RESOLUTION NO. (1984) - 470

A RESOLUTION TO OFFER THE SUPPORT OF THE CITY OF RALEIGH TOWARD HOLDING THE 1986 or 1987 NATIONAL SPORTS FESTIVAL IN THE RESEARCH TRIANGLE AREA.

WHEREAS, the cities of Raleigh, Durham and Chapel Hill have previously entered into a joint resolution requesting that the U.S. Olympic Committee locate the National Sports Festival in the Research Triangle area in either 1986 or 1987; and

WHEREAS, the National Sports Festival, if held in the Triangle, would have a great positive economic impact on the City of Raleigh, would provide the city with significant national and international exposure; and

"h. All streets and drives must contain identification required in section 10-2065.2(1) of this Code.".

Section 3. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 4. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 5. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 6. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 7. This ordinance shall become effective five (5) days following its adoption.

Section 8. This ordinance has been filed with the Wake County Register of Deeds as required by law.

ADOPTED: 3/20/84

EFFECTIVE: 3/25/84

REPORT AND RECOMMENDATION OF THE COMMITTEE FOR THE NEW MUNICIPAL BUILDING

ART DISPLAY - PARTTIME ART COORDINATOR POSITION AUTHORIZED - FUNDS APPROPRIATED

Chairperson Block indicated the Committee recommends approval of a parttime Art Coordinator position at a maximum cost of $2,000 per year with the understanding that an art display would be prepared for opening ceremonies for the new Municipal Building. She noted that this will involve three or four displays per year. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Ms. Cates. Mr. Congleton questioned if there will be art displays in the City Council offices as well as the offices that presently have art displays with it being pointed out, that is correct. The motion as stated was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

additional parking spaces during the parking deck construction. He indicated these fees would provide thirty-five spaces for the period April through September and if this transfer is approved he would also request that the Mayor be authorized to sign a lease agreement for the parking spaces. Without objection, the items were withdrawn from the Agenda as requested and City Manager Benton's comments relating to the lease for parking were agreed upon. Mr. Congleton moved Administration's recommendation on the remaining items on the Consent Agenda be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 302 TF 17

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 21, 1983, and included in the budget for the fiscal year ending June 30, 1984, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 01-2-1040-0001	Contingency	$ 1,000.00
To 01-2-1100-0101	Salaries - Art	1,000.00
Purpose: To fund part time art coordinator for reminder of fiscal year.		
From 01-2-1040-0001	Contingency	$ 325.00
To 01-2-1100-0213		325.00
Purpose: To join Sister Cities International.		
From 01-2-1040-0001	Contingency	$ 7,716.00
To 01-2-1100-0705	Office Equipment	5,000.00
To 01-2-1010-0260	Office Supplies	160.00
To 01-2-1100-0100	Salaries	2,556.00
Purpose: To fund O.A. IV in Council Office, purchase office equipment and copy machine.		

From	38-2-3200-0100	Apollo Heights Center	$30,000.00
To	38-2-3200-0102	Apollo Heights Center B	20,000.00
To	38-2-3200-0104	Apollo Heights Center D	10,000.00

Purpose: To establish account for engineering services for construction of Apollo Heights Community Center and establish account for advertising, testing of soil and materials and other misc. items.

From	43-2-6000-0104	State Street Drainage	$77,100.92
To	43-2-6000-0108	Drainage/Street Site Imp.	77,100.92

Purpose: To provide funds for the W. E. Garrison drainage/street site improvements contract.

From	34-2-3802-0100	Office Space	$22,000.00
To	43-2-6200-0200	Econ. Dev. Market Plaza	22,000.00

Purpose: To fund shortfall on market plaza contract.

From	84-2-1060-0000	E. M. Johnson Plant Expan.	$92,478.65
To	84-2-1060-0501	E. M. Johnson Construction	92,478.65

Purpose: Contract Change Order E. M. Johnson Water Plant Expansion - Roberts Filter Manu. Co., Inc. - F-8.

From	34-2-3826-0107	Contingency	$ 6,078.00
To	34-2-3826-0101	General Construction	6,078.00

Purpose: Change Order - Fire Station 17 - Saieed Construction Corp. - G-2.

From	34-2-3826-0107	Contingency	$ 1,674.00
To	34-2-3826-0101	General Construction	1,674.00

Purpose: Change Order - Fire Station 17 - Saieed Construction Corporation - G-2.

From	01-2-1040-0001	Contingency	$ 1,680.00
To	01-2-1040-0201	Relocation Parking	1,680.00

Purpose: To provide funds for the rental of additional parking spaces during parking deck construction.

From	30-2-1000-0100	Reserve	$ 6,393.75
To	30-2-5000-0100	Salisbury Street Land	6,393.75

Purpose: To supplement account to satisfy interest.

From	43-2-5080-0100	Contingency	$ 2,717.11
To	43-2-5100-0100	Salaries	2,383.36
To	43-2-5100-0101	Fringes	333.75

Purpose: To supplement accounts to include 3% salary increment authorized by City Council for 83-84 budget.

From	43-2-5200-0100	Salaries	$ 3,153.54
From	43-2-5080-0100	Contingency	964.42
From	43-2-5200-0101	Fringes	440.32
To	43-2-5010-0100	Salaries	3,752.73
To	43-2-5010-0101	Fringes	805.55

Purpose: To supplement accounts to include 3% salary increment authorized by City Council.

From	43-2-5080-0100	Contingency	$ 3,012.36
To	43-2-5090-0100	Salaries	2,530.47
To	43-2-5090-0101	Fringes	481.89

Purpose: Same as above.

From	43-2-5120-0231	RHA Admin. Travel	$ 200.00
From	43-2-5080-0100	Contingency	8,081.00
To	43-2-5120-0101	RHA Admin. Fringes	1,023.00
To	43-2-5130-0100	RHA Relo. Salaries	3,184.00
To	43-2-5130-0101	RHA Fringes	2,147.00
To	43-2-5130-0231	RHA Relo. Travel	153.00
To	43-2-5140-0101	RHA Demo. Fringes	866.00
To	43-2-5150-0101	RHA Acq. Fringes	908.00

Purpose: To bring RHA's budget in line with Council approved contract.

From	43-2-5020-0100	Acq. of Real Prop.	$20,000.00
To	43-2-5300-0100	Incentive Housing	20,000.00

Purpose: To provide additional funds for projected costs of Incentive Housing Program.

From	01-2-4110-0232	Fuel-Highway Use	$ 2,000.00
To	01-2-4110-0233	M&O	2,000.00

Purpose: To provide funds to repair first line rescue vehicle.

From	01-2-5100-0261	Abatement	$ 2,000.00
To	01-2-5100-0254	Unsafe Structures	2,000.00

Purpose: To demolish Unsafe Building pursuant to City Council authorization.

From	01-2-1040-0001	Contingency	$ 4,000.00
To	18-2-1000-0700	Chlorine Kits	4,000.00

Purpose: Purchasing five chlorine gas emergency kits for five pool locations.

From	06-2-7030-0258	Chemicals	$ 4,827.26
To	06-2-7030-0285	NCDEM - Beaver Dam	4,827.26

Purpose: To reimburse North Carolina Wildlife of Beaver Dam Lake.

From	01-2-5050-0265	Other Services	$ 2,138.38
To	01-2-1040-0232	Dillon Rent	2,138.38

Purpose: To pay escalation charges for taxes, insurance and utilities as per lease agreement for January 1 - December 31, 1983.

From	34-2-3805-0102	Mun. Block "B"	$ 3,418.00
To	34-2-3810-0108	Mun. Parking Elec. Cable	3,418.00

Purpose: Paying Carolina Power & Light Company for relocation of 155 feet of cable serving Municipal Complex transformer.

From	01-2-5050-0709	Blinds/Drapes	$ 5,000.00
To	01-2-1040-0232	Dillon Rent	5,000.00

Purpose: Providing sufficient funds to pay Dillon Building Rent for the month of April.

From	01-2-5050-0219	Light/Power	$ 5,052.91
To	01-2-1040-0232	Dillon Rent	5,052.91

Purpose: Same as above.

From	01-2-1040-0215	Pub. Liability	$ 4,325.00
To	01-2-1040-0291	Auto Liab. BI & PD	4,325.00

Purpose: Supplement account to pay remaining annual premium.

From	34-2-3802-0100	Bridges & Office Sp.	$ 6,813.00
To	34-2-3920-0104	Misc.	6,813.00

Purpose: To provide for associated design contract costs in the retention of #9 (Craigs) and #32/33 (Barber).

From	34-2-3802-0100	Bridges & Offices Space	$24,723.00
To	34-2-3920-0102	Consultant Services	24,723.00

Purpose: Change Order - Transit Terminal Design - Wilbur Smith and Assoc. - A2.

From	06-2-7100-0002	P.U. Contingency	$ 6,500.00
To	06-2-7010-0267	Hydrilla Study	6,500.00

Purpose: To provide for the study of Hydrilla for an additional period of 18 months.

REPORT AND RECOMMENDATION OF THE INTERGOVERNMENTAL LIAISON COMMITTEE

SISTER CITY PROGRAM - FUNDS APPROPRIATED FOR CITY TO JOIN; ITEM RETAINED IN COMMITTEE

Mr. Walters reported the Intergovernmental Liaison Committee recommends the appropriation of $325 in order to join the Sister Cities International Program. The item will be held in the Intergovernmental Liaison Committee to receive input from citizens and groups and to consider the appointment of a committee for the operation of this program. On behalf of the Committee, Mr. Walters moved the recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

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From	06-2-7100-0002	P.U. Contingency	$ 6,500.00
To	06-2-7010-0267	Hydrilla Study	6,500.00

Purpose: To provide for the study of Hydrilla for an additional period of 18 months.

REPORT AND RECOMMENDATION OF THE DOWNTOWN COMMITTEE

TRANSIT TRANSFER POINT/PARKING DECK - ALTERNATE B APPROVED

Mayor Upchurch indicated the Committee recommends approval of Alternative B for a parking structure and recommends that the consultant continue his work on the Transit Transfer Facility utilizing Plan B. City Manager Benton explained the Council has approved the scheme for the transit point and design is underway as well as real estate acquisition. He indicated one of the questions related to the parking deck in this area pointing out we do not have funding in place for a parking deck; however a deck is in the long range plan and any work on the transit point should include, if possible, as much work as possible on the parking deck. Mr. Upchurch moved the recommendation of the Downtown Committee be upheld. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

CITY MARKET PROJECT - CONCEPT APPROVED - PUBLIC HEARINGS AUTHORIZED

Chairman Upchurch indicated the Downtown Committee recommends approval in concept of the plan for the City Market Project as presented by Cranston Development Corporation and that public hearings be scheduled. City Manager Benton briefly explained the concept pointing out it is a $8.9 million project that would be funded by the developer, redevelopment bonds, UDAG and the City's participation would be approximately $1,105,000.00. He explained public hearings need to be authorized relating to the redevelopment area as well as UDAG and the public hearing dates would be April 3 and 17. Mr. Upchurch moved that the recommendation be upheld and the public hearings as outlined be authorized. His motion was seconded by Ms. Babb and passed unanimously. The Mayor ruled the motion adopted.

ARTSPACE - CONCEPT OF AGREEMENT - APPROVED

City Manager Benton indicated the City has previously committed to pay up to $60,000.00 per year for two years to offset any insufficient funds Artspace, Inc. may need to meet their budget obligation, including rental of space in the Saunders Building. He indicated it appears an additional level of commitment is needed from the City in order to facilitate a loan from the bank to renovate the building, therefore, it is suggested that the City commit to the following:

1. First two years, up to $60,000.00 each year to offset difference in revenues and expenditures.

2. Next three years, agree to use any residual fundsfrom the $120,000.00 committed in the first two years to offset difference in revenue and expenditures.

3. Also in the next three years agree to provide additional funding if needed to offset difference in revenue and expenditures with the stipulation that such funds would be on a loan basis at a rate equal to the City's cash investment rate and a repayment term of five years.

4. Artspace commits renting their studios for no less than $8.15 per square foot and agrees that all studio and facility rental will be applied to the building rental as a first priority before other expenses.

Mr. Benton indicated City officials have taken a look at anticipated income, revenue, etc., and Administration proposes this plan. Mr. Walters moved the recommendation as outlined by City Manager Benton be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE COMPREHENSIVE PLANNING COMMITTEE

REZONING Z-116-83 - NORTH OF LOUISBURG ROAD - DENIED

Chairperson Babb indicated the Comprehensive Planning Committee recommends that this rezoning application be denied. She indicated in taking this action, it was understood that the developer can resubmit the subdivision, and this property can be developed utilizing a R-4 PUD. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

UNIVERSITY PLANNING DISTRICT - LAND USE PLAN - RECEIVED; ITEM HELD IN COMMITTEE

Chairperson Babb explained the citizens' version of the University Planning District Land Use Update was presented to the Committee and was included in the Council Members' Agenda packet for information. The plan is being forwarded to Administration and advisory groups to begin the review process. The item is being held in Committee for further work as the Planning District Update proceeds. The item was received without comment.

BROOKLYN/GLENWOOD TASK FORCE - APPROVED; ITEM RETAINED IN COMMITTEE

Ms. Babb indicated various actions have been taken by the Committee on this item and the Committee recommends confirmation of their actions. She reported the Committee has adopted the following policy statement for the area:

"It is the policy of the Raleigh City Council and the Boards, Commissions, Committees, and Staff of the City of Raleigh to stablilize and enhance the Glenwood/Brooklyn/Cameron Village residential neighborhoods. Actions taken by the City of Raleigh and any of its agents or components shall reflect this policy. Raleigh is in great need of moderate cost housing. These neighborhoods provide moderate cost housing for citizens. It is in the public interest to assure the long term health of these neighborhoods, therefore, the City Council will take action to strengthen these neighborhoods."

In order to bring together the various view points represented by these neighborhoods, the Committee is appointing a task force along the lines suggested by the Planning Director in his March 8, 1984, memorandum (copy included in Agenda packet) and a report will be made at the meeting regarding the persons to compose this task force.

Ms. Babb indicated prior to this meeting the Comprehensive Planning Committee met and made the following recommendations for the members of the task force: Neighborhood Interest - Edith Tugman, Thomas Finley, Marion Coley, John McIntyre, Elizabeth Baker, Jeannie Grissom, John Randolph, Lin Tunstall: Community Interests - Phil Letsinger, Mary Meletiou, Chuck Flink, Seth Gaskill, Paul Carr: City Wide Interests - John Rice, Mary Gentry - Wake County Board of Education - or her designee, John Castleberry - Historic Districts Commission - or his designee. Brief discussion took place on the composition of the task force with Mr. Walters indicating the task force will not be dealing directly with the zoning case. Mrs. Block indicated another person who would be very interested in serving would be Tom Ervin. Ms. Babb indicated, he has made a large contribution and it was difficult to decide on the people to serve on the task force. She pointed out that the task force members would not be the only ones involved that they would get input from other groups, organizations, etc., and she is sure that Mr. Ervin would have input. On behalf of the Committee, she moved confirmation of the Committee's actions. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE REAL ESTATE COMMITTEE

SURPLUS PROPERTY - O'KELLY STREET - RESOLUTION AUTHORIZING SALE ADOPTED

Chairman Walters indicated the Real Estate Committee recommends that the Council authorize disposal of any property the City may own as it adjoins the property of Ms. Josephine Chinn in a manner similar to that as was decided on the south side of O'Kelly Street pointing out this would be through a negotiated offer upset bid

method. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Block and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 471

A RESOLUTION TO AUTHORIZE THE SALE OF CERTAIN REAL PROPERTY OWNED BY THE CITY OF RALEIGH

WHEREAS, the City of Raleigh has acquired surplus property, said property being described more fully as follows:

Residual Right-of-Way on O'Kelly Street

WHEREAS, Ms. Josephine Chinn has offered to purchase said property for the price of $1,226.23; and

WHEREAS, Chapter 160A-266 et seq. of the North Carolina General Statutes permits the City of Raleigh to sell said property subject to upset bid provisions;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the City of Raleigh will sell the hereinbefore described property to Josephine Chinn for the sum of $1,226.23 provided that no upset bid in the amount prescribed by law is entered within 10 days of the publication of this notice of sale.

Section 2. That, in the absence of an upset bid as provided by law, the Mayor be authorized to execute the instrument of conveyance.

Adopted: 3/20/84

REZONING Z-130-83 - MCNAIR PROPERTY - APPROVED; CITY TO ACQUIRE LAND ADJACENT TO LAKE JOHNSON

Mr. Walters indicated the Real Estate Committee recommends that the City Council approve the rezoning request as recommended by the Planning Commission on the McNair property and that the City proceed to acquire approximately .84 acre of land adjacent to Lake Johnson on the tract being rezoned. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Congleton and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 305 ZC 135

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Near Avent Ferry Road, westward, just north of Lake Johnson, being portions of Parcels 3 and 4, Tax Map 575, approximately 3.5 acres rezoned to Residential-6 District, according to map on file in the City of Raleigh Planning Department. (Z-130-83)

(b) Cross Link Road, north side, between Rock Quarry Road and Hadley Drive, opposite Lynnhurst Drive, being a portion of Parcel 1, Tax Map 607 rezoned as follows: the south side of request (which has frontage on Cross Link Road) rezoned to Residential-4 to a depth of 125 feet, and the remainder of the request rezoned to Shopping Center, according to map on file in the City of Raleigh Planning Department. (Z-21-84)

(c) Denise Drive, north and south sides, between Jones Franklin Road and the intersection of U. S. I and I-40, being Parcels 8, 11, 55-61 and 78, Tax Map 575, (9.5 acres) rezoned to Office and Institution-I and (5 acres) rezoned to Conservation/Buffer, according to a map on file in the City of Raleigh Planning Department. (Z-26-84)

(d) Reaves Drive, east and west sides, between Avon Drive and Hudson Street; Reaves Drive, east side, between Avon Drive and Pine Drive; Avon Drive, south side, between Carroll Drive and Reaves Drive; Avon Drive, north and south sides, between Reaves Drive and Pine Drive; Pine Drive, west side, between Hudson Street and Reaves Drive; and Hudson Street, north side, between Carroll Drive and Pine Drive; being some 59 lots within Blocks F-78, F-80 and F-81, Tax Map F-25, approximately 26 acres rezoned to Residential 6 District, according to map on file in the City of Raleigh Planning Department. (Z-30-84)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective March 20, 1984.

Adopted: 3/20/84 Effective: 3/20/84

COMMUNITY DEVELOPMENT PARCELS - VARIOUS ACTIONS - APPROVED

Mr. Walters presented the following recommendations of the Real Estate Committee and recommended approval. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items were as follows:

I. To approve the "fair market acquisition" values based on two (2) acquisition appraisal reports and a review appraisal report of the following properties:

PARCELS	SQUARE FOOTAGE	RECOMMENDED VALUES	COST PER SQUARE FOOTAGE
A. 431 Alston Street B0064-0009	4,128	$ 3,155.00 =	$ .76
B. 304 S. East Street A0034-0019	3,000	$ 2,500.00 =	$ .83
C. 406 & 408 E. Martin St. A0043-0016	6,719	$15,000.00 =	$ 2.29
D. 412 E. Martin Street A0043-0017	2,555	$ 4,500.00 =	$ 1.76
E. 414 E. Martin Street	1,243	$ 2,900.00 =	$ 2.33
F. 416 E. Martin Street	1,695	$ 4,000.00 =	$ 2.36
G. 516 E. Martin Street	4,200	$10,500.00 =	$ 2.50

II. To approve the "fair market disposition" values or reuse values based on one reuse appraisal report.

PARCELS	LOT SIZE	RECOMMENDED VALUES
A. 427 Alston Street B0064-0011	78' x 105 x 99 x 100	$ 4,000.00
B. 417 Alston Street B0064-0014	41.5' x 88'	$ 1,800.00
C. 514 E. Martin Street B0003-0015	30' x 105'	$ 2,000.00

III. To approve "Offer to Purchase" the following CDBG properties for not less than the approved disposition value(s) established by City Council:

PARCELS	LOT SIZE	APPROVED VALUES	AMOUNT OFFERED
A. 424 Alston Street B0060-0022	43' x 130	$3,000.00	$3,010.00
B. 709, 711 & 713 Ellington Street B0124-0001 B0124-0002 & 0003	114' x 114' x 136' x 120	$7,400.00	$7,400.00
C. 230 S. Swain Street B0002-0027, 0028, and 0029	120' x 110'	$7,3000.00	$9,014.00

IV. To approve modification of approved fair market value based upon negotiation with owner and attorney's recommendation.

PARCEL	VALUE APPROVED BY COUNCIL ON 2-21-84	RECOMMENDED REVISED VALUE
A. 603 E. Cabarrus Street B0060-0028	$11,000.00	$11,500.00

V. To approve condemnation through eminent domain to clear title and establish value as recommended by CDBG Attorney.

PARCELS	COUNCIL APPROVED VALUE
A. Patterson Lane (To establish value)	$ 500.00
B0057-0007	$12,000.00
B0057-0008 & 0009	
B. 427 Alston Street (Clear title)	$12,900.00
B0064-0011	
C. 205 S. Swain Street (Clear title)	$22,000.00
B0005-0004	

REPORT AND RECOMMENDATION OF THE PARKS AND RECREATION ADVISORY BOARD

MORDECAI HISTORIC SOCIETY - REQUEST TO PURCHASE PROPERTY - REFERRED TO REAL ESTATE COMMITTEE

Mr. James Tanner, a member of the Parks and Recreation Board and liaison person to the Mordecai Historic Society Board, was at the meeting to present a recommendation from the Parks and Recreation Board. The Mordecai Board has asked for favorable consideration to explore the acquisition of two lots and a house immediately adjacent to Mordecai Square. A map showing the two lots under consideration was included in Council Members' Agenda packet.

Mr. Tanner indicated about three or four weeks ago this house and lot came on the market for a price of $48,000.00. He explained that that is possibly negotiable as the appraised price $46,500.00. He indicated everyone feels this presents a rare opportunity for the Mordecai Society and staff for needed office and storage space and, he was at the meeting to ask the City Council to consider purchasing the property. Mr. Walters indicated he knew the property well, and he would move that the item be referred to Real Estate Committee. Ms. Block questioned if this is a top priority with the Parks and Recreation Advisory Board with Mr. Tanner explaining the top priority would be purchase of park property in the Caraleigh area, but the City has not been able to find any that is available that is suitable. He indicated if we could find property in the Caraleigh area, that would be a high priority. He indicated, however, this property has presented itself and it is felt that it is a rare opportunity. He indicated they have already acquired three other lots on this block and this has a lot and a half. Without objection, the item was referred to Real Estate Committee.

REPORT AND RECOMMENDATION OF THE WORK SESSION

SOCIAL SERVICE FUNDING - PROPOSED CRITERIA - REFERRED TO PUBLIC WORKS COMMITTEE FOR DEVELOPMENT; PROCEDURE FOR FUNDING ESTABLISHED

Mayor Upchurch indicated this item was discussed in Work Session and the following recommendations were made:

> It is recommended that an item be referred to the Public Works Committee to develop criteria to be utilized in evaluating requests for Social Services funding.
>
> It is recommended that requests for Social Service type funding be referred to Administration for incorporation in the budget process for presentation to the City Council. At the time this budget item is discussed by City Council, the Council will set a dollar amount of money that will be utilized or funded for Social Service type programs prior to acting on individual requests.

Mr. Upchurch moved the recommendation as outlined be upheld. His motion was seconded by Ms. Block and put to a vote which resulted in all members voting in the affirmative except Mr. Congleton who voted in the negative. The Mayor ruled the motion adopted.

FALLS LAKE - WATER QUALITY - INFORMATION RECEIVED

Mayor Upchurch indicated the Council received an update on this item during the last Work Session. The item is currently in Public Works Committee and it was recommended that the item remain on the Work Session Agenda for further action if needed or necessary. Without discussion, the item was received as information.

REPORT AND RECOMMENDATION OF THE ARTS COMMISSION

PERFORMING ARTS CENTER/LONG RANGE PLANS/CULTURAL FACILITIES PLAN - REFERRED TO THE DOWNTOWN COMMITTEE

George Stephens representing the Arts Commission Performing Arts Center Feasibility Subcommittee indicated he was at the meeting to request the Council to engage a consultant or consultants to conduct architectural, marketing, and financial feasibility and planning studies for a Performing Arts Center to serve Raleigh's performing arts group. He indicated the study should concentrate on the Ambassador Theatre, State Theatre, and/or a new building centrally located. He stated that study is estimated to cost between $15 to $40,000.00 and they are requesting that the Council budget the $40,000.00 with the actual cost to be determined when proposals are received. He indicated they are also requesting the City to consider obtaining options on the Ambassador and State Theatres for six months with options for renewal. He explained that the need for a Performing Arts Center has been investigated and

discussed, the potential facilities have been visited, and the list of suitable ones was narrowed to those listed. He indicated a detailed survey has been conducted, finance and plans have been discussed, but none can be chosen until facility plans, cost, and markets are known. He presented Council members with information on the needs assessment questionnaire report, evaluation of space needs, and evaluation of prime sites.

Peyton Maynard was at the meeting and presented Council members with the long range plan which has been approved in concept with the Arts Commission. He briefly went over the report indicating Goal #2 "Serve as the official Municipal Advisory Body on the Arts" is very important. He indicated they would like for the Council to consider the long range plan and have input on the kind of things that the Council feels should be incorporated in the long range plan. He stated they would like to have the Council's input and approval prior to this being sent out to the community.

Discussion took place with Ms. Cates indicating she feels all the Council would like to support the arts. She stated, however, she has not seen anything that speaks to the needs for visual arts. She stated she would like to see inventories of all available space for art and art forms and questioned if such an inventory has been done. Arts Director Lorber indicated in 1979, they did a very comprehensive survey of the arts in the City and out of that grew a subcommittee for Performing Arts and a spin off of that was Artspace. Discussion took place on the number of opportunities that are ongoing and whether their needs are being met. Ms. Cates, again, indicated she feels this is an excellent report on the performing arts, but she would like to see a similar report on the visual arts. Mr. Walters moved that Administration be authorized to seek consultants not to exceed to $40,000.00 for this study and try to get options on the State and Ambassador Theatres as recommended. Mr. Upchurch indicated he had a broader motion pointing out there is a strong emphasis on cultural activities and developments in the City and in the past years, the City has been an active participant in this area. He stated he feels it would be appropriate to consider referring the Arts Commission's proposal to a Council Committee for review and in addition, it would be appropriate for the Council to consider securing a grant for the purpose of developing a Cultural Arts Action Plan which would include but not be limited to the following: Evaluation of current resource commitment by the City; The long range needs of the City and area; Proposed objectives which are obtainable by the City; Financial strategies and priorities.

Ms. Block indicated that she feels that it is time for the City Council to evaluate where we are on the arts, and she would like to offer a substitute motion with it being pointed out that there is no motion on the floor that has received a second. Ms. Block moved that we refer to the Downtown Committee an item relating to the arts to look at priorities, what the City wants to do, how it can be done, etc. Ms. Cates indicated she feels may be we could move ahead with the feasibility study. Mayor Upchurch indicated maybe these should be two separate issues one relating to the Performing Arts Center and the other is the overall arts emphasis in the City. He, again, stated he felt it would be good to look at the possibility of establishing or creating a Cultural Arts Action Plan. Mr. Walters pointed out we have been talking about the use of the Ambassador or State Theatre as a Performing Arts Center for years. He stated everyone always felt that this type Center should be in the downtown area so he sees no reason to delay, we should move ahead. Ms. Block stated she would like to see all of this considered by the Downtown Committee as one item. She indicated we are getting requests from various groups, and we should put them all together. She indicated she feels the Arts Commission has done a great job of pulling this altogether and feels this could be a guide for committee, but she feels all of the item should be discussed together in committee. After other discussions by general consensus, it was agreed that the item would be referred to Downtown Committee. Ms. Babb indicated she has no objection to it going to Downtown Committee, but it seems that this should be a comprehensive planning type item that is how we can stimulate and look at the broad picture of the arts in the City rather than just the downtown area. She stated it seems like a broader planning issue. However, the matter was referred to Downtown Committee.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

RECYCLING PROGRAM - CONTINUED THROUGH JUNE 30, 1984

The City has been operating a Separate Our Recyclable Trash (SORT) Program for a six month period and on a trial basis to ascertain if sufficient funds from private sources could be obtained to make this a self-sustaining effort. The results have not provided the necessary funds to accomplish a self-sustaining program. However, some funds have been collected and it appears that the program can be continued through June 30, 1984, at an approximate maximum additional City cost of $1,600.

Recommendation: It is recommended that the SORT Program be continued through June 30, 1984. Brief discussion took place as to the amount of income from this program with City Manager Benton indicating we have received $3,300.00 from recycling efforts and some $1,000.00 in donations. The amount of costs for running the program a year and value to the landfill was discussed briefly. Mr. Congleton moved the Manager's recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all member voting in the affirmative. The Mayor ruled the motion adopted.

PARKS AND RECREATION - 1984 SOFTBALL PROGRAM - ENLARGED TEAM COMPOSITION APPROVED

The City's softball program continues to expand in the number of teams wishing to participate. This year the Parks and Recreation Department had applications for 35 teams more than planned for in the budget. To accommodate these teams, it will be necessary to increase the budget accounts for salaries for umpires and field managers by $7,000. It is expected that the entry fee from the additional teams will be approximately $14,817. It should be noted that these added teams do fall under the City's criteria for representation of teams from residents within the City.

Recommendation: It is recommended that the Council approve a budget amendment to reflect the additional revenues necessary to fund the added expenditures of $7,000 in salaries to support the enlarged team composition. Mr. Congleton moved Administration's recommendation be upheld. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 301

AN ORDINANCE TO AMEND THE 1983/1984 BUDGET ORDINANCE

BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH

Section 1. That the 1983/1984 Budget Ordinance be amended as follows to create accounts to receive the payments for radio control units for new sewer pumping stations being installed by developers:

Revenue:	06-1-0070-0252	Farmington Woods RTU	$ 5,000.00
	06-1-0070-0253	Pleasant Ridge RTU	5,000.00
	06-1-0070-0254	Thorpshire RTU	5,000.00
	06-1-0070-0255	Kingsborough RTU	8,800.00
Expense:	06-2-7050-0701	Alarm System	$23,800.00

Section 2. That the 1983/1984 Budget Ordinance be amended as follows to accept $100.00 gift from Mrs. W. R. Peele to purchase ping pong table for fire station 4:

Revenue:	01-1-0070-0200	Misc. Income	$ 100.00
Expense:	01-2-4130-0702	Ping Pong Table	$ 100.00

Section 3. That the 1983/1984 Budget Ordinance be amended as follows to expand 1984 Softball Program by 35 teams:

Revenue:	01-1-0070-0164		$ 7,000.00
Expense:	01-2-6010-0101		7,000.00

Section 4. That the 1983/1984 Budget Ordinance be amended as follows to purchase new shotguns to replace old shotguns with the money from the sale of surplus weapons and to purchase additional revolvers:

Revenue:	01-1-0070-0200	Misc. Income	$12,980.00
Expense:	01-2-4020-0704	Guns	$12,980.00

Adopted: 3/20/84

PARKS AND RECREATION DEPARTMENT - RELATING TO CEDAR HILLS PARK - AUTHORIZED FOR FILING; ADMINISTRATION TO FURNISH INFORMATION

The City has been notified of the availability of a small amount of Land and Water Conservation Fund grants for local governments. The grants request can be for no more than $50,000 in Federal assistance. The Parks and Recreation Department has reviewed this program and recommends the submittal of a grant request in the amount of $35,000 to fund lighting improvements at Cedar Hills Park. This proposal would provide for lighting a major field and all four tennis courts when used with City matching funds which are budgeted.

Recommendation: It is recommended that the Council approve submittal of this grant application.

Mr. Keller moved Administration's recommendation be upheld. His motion was seconded by Mr. Calloway. Mr. Congleton questioned if lighting the ball fields is a part of the master plan and whether this was work that was planned for the park or something that was just added to take advantage of the grant funds. Ms. Babb indicated she was familiar with this type funding, and you have to give ample demonstration that what you applying for is and has been a part of the original plans and not just added. After other discussions, the motion as stated was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted and ask that Administration give Council members information on the master plan for the Cedar Hills Park.

WASTEWATER TREATMENT PLAN - DESIGN SERVICES FOR AERATION SYSTEM - ADMINISTRATION AUTHORIZES TO NEGOTIATE CONTRACT WITH HAZEN-SAWYER FOR SUBMISSION TO COUNCIL

The critical nature of the design for the improved aeration system at the Neuse River Wastewater Treatment Plant (expansion Phase 2) is such that it is essential that the City proceed with the design of facilities which will expand the aeration capacity of the plant. This is greater accented by the fact that the design will take approximately six months, which will result in, at best, a bidding situation in early fall.

Recommendation: It is requested that the City Council authorize Administration to negotiate an amendment to the existing waste- water treatment plant expansion engineering services contract with Hazen-Sawyer, under the same basis of payment, to include the design and, upon written authority, bidding and construction observation. Ms. Babb moved Administration's recommendation be upheld. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

SANITARY SEWER EXTENSION - HUBERT MONTAGUE - APPROVED CONDITIONALLY

A request has been received from Hubert Montague to extend the sanitary sewer system to serve his lot on the south side of U.S. 64, which is approximately 500 feet east of Kingsborough Mobile Home Park. This area is located outside the City limits and requires Council approval. The proposed extension is shown on the map entitled, "Sanitary Sewer Extension to Serve Property of Hubert J. Montague," as drawn by John A. Edwards and Company, dated March 12, 1984, and will be available at the Council meeting.

Recommendation: It is recommended that Council approve this request subject to the requestee:

Acquiring the offsite sanitary sewer easement;

Submitting detail construction plans for City and State approval prior to construction;

Dedicating the easement and main to the City; and

Payment of all applicable fees and obtaining all necessary permits.

Brief discussion took place on the exact location and the area to be served. Assistant Public Utilities Director Simmons indicated this property is east of Tower Shopping Center, east of New Hope Road, and the line to be extended would be a gravity flow line. Ms. Cates moved that Administration's recommendation be upheld. Her motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

SANITARY SEWER EXTENSION - BERKSHIRE DOWNS WEST AREA - APPROVED WITH CONDITIONS

This is a request from Eastman Development Company to extend a 30-inch sanitary sewer main from within their approved Berkshire Downs West Subdivision westward 2,770 feet to US Highway #1 along Sims Creek. This is within the Perry Creek basin. A map was available at the Council Meeting.

Recommendation: It is recommended that this sanitary sewer extension be approved as shown on the map prepared by Priest, Craven and Associates entitled, "Sims Creek Outfall," with the following conditions:

The developer would dedicate a 40' sanitary sewer easement and main to the City of Raleigh;

Acquire City and State approvals prior to construction;

Pay all applicable fees; and

Treat all sewage flows from this line at their privately owned and maintained treatment plant.

Mr. Congleton moved that Administration's recommendation be upheld. His motion was seconded by Ms. Cates. Ms. Block questioned if the treatment plant is adequate to take care of this with Assistant Public Utilities Director indicating this sewage will be taken to a private package plant and that plant is not under construction at this point. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

LANDFILL GAS RECOVERY - REFERRED TO PUBLIC WORKS COMMITTEE

Considerable discussion has occurred over the past 10 years about the feasibility of recovering methane gas from the City's landfill. Recently, the Public Works Department has received renewed interest in this project and two proposal have been received for consideration.

Recommendation: Since the Council has not recently addressed this issue, it may be appropriate for a Council committee to consider this issue and the proposals which have been received. Mr. Congleton moved that this item be referred to Public Works Committee. Without objection, the item was so referred.

TRANSIT TRANSFER FACILITY - CONTRACT WITH ARCHAEOLOGICAL RESEARCH CONSULTANTS INCORPORATED - APPROVED; CHANGE ORDER WITH WILBUR SMITH AND ASSOCIATES - APPROVED - FUNDS APPROPRIATED

Several actions are needed to address the design work now underway.

The City is required to perform an archaeological survey on this site since the project impacts properties included on the National Register of Historic Places.

Recommendation: It is recommended that a service contract with Archaeological Research Consultants, Inc., for an amount not to exceed $4,925 be approved. Funds are budgeted for this work. Because of the relatively small size of the consulting project, the Staff has not gone through the full solicitation for proposals as is done on a large project.

The following change order on the contract with Wilbur Smith and Associates is necessary to provide for the additional design services associated with the pedestrian walkway to Wilmington Street and through the buildings fronting on Wilmington Street.

Recommendation: Approval of the following change order is requested:

Add: $24,723
For: Additional archaeological services to retain parts of buildings #9 (Craigs) and #32/33 (Barber).

Budget Amendment:

From:
34-2-3802-0100 - Bridges and Office Space $24,723

To:
34-2-3920-0102 - Consultant Service $24,723

The following transfer of funds is needed for miscellaneous services which may result in the final design and construction of this facility.

Recommendation: Approval of the following transfer is recommended:

From:
34-2-3802-0100 Bridges and Office Space $6,813

To:
34-2-3920-0104 Miscellaneous $6,813

After brief discussion, Ms. Cates moved Administration's various recommendation be upheld. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 302 TF 17

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 21, 1983, and included in the budget for the fiscal year ending June 30, 1984, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 01-2-1040-0001	Contingency	$ 1,000.00
To 01-2-1100-0101	Salaries - Art	1,000.00
Purpose: To fund part time art coordinator for reminder of fiscal year.		
From 01-2-1040-0001	Contingency	$ 325.00
To 01-2-1100-0213		325.00
Purpose: To join Sister Cities International.		
From 01-2-1040-0001	Contingency	$ 7,716.00
To 01-2-1100-0705	Office Equipment	5,000.00
To 01-2-1010-0260	Office Supplies	160.00
To 01-2-1100-0100	Salaries	2,556.00
Purpose: To fund O.A. IV in Council Office, purchase office equipment and copy machine.		

From	38-2-3200-0100	Apollo Heights Center	$30,000.00
To	38-2-3200-0102	Apollo Heights Center B	20,000.00
To	38-2-3200-0104	Apollo Heights Center D	10,000.00

Purpose: To establish account for engineering services for construction of Apollo Heights Community Center and establish account for advertising, testing of soil and materials and other misc. items.

From	43-2-6000-0104	State Street Drainage	$77,100.92
To	43-2-6000-0108	Drainage/Street Site Imp.	77,100.92

Purpose: To provide funds for the W. E. Garrison drainage/street site improvements contract.

From	34-2-3802-0100	Office Space	$22,000.00
To	43-2-6200-0200	Econ. Dev. Market Plaza	22,000.00

Purpose: To fund shortfall on market plaza contract.

From	84-2-1060-0000	E. M. Johnson Plant Expan.	$92,478.65
To	84-2-1060-0501	E. M. Johnson Construction	92,478.65

Purpose: Contract Change Order E. M. Johnson Water Plant Expansion - Roberts Filter Manu. Co., Inc. - F-8.

From	34-2-3826-0107	Contingency	$ 6,078.00
To	34-2-3826-0101	General Construction	6,078.00

Purpose: Change Order - Fire Station 17 - Saieed Construction Corp. - G-2.

From	34-2-3826-0107	Contingency	$ 1,674.00
To	34-2-3826-0101	General Construction	1,674.00

Purpose: Change Order - Fire Station 17 - Saieed Construction Corporation - G-2.

From	01-2-1040-0001	Contingency	$ 1,680.00
To	01-2-1040-0201	Relocation Parking	1,680.00

Purpose: To provide funds for the rental of additional parking spaces during parking deck construction.

From	30-2-1000-0100	Reserve	$ 6,393.75
To	30-2-5000-0100	Salisbury Street Land	6,393.75

Purpose: To supplement account to satisfy interest.

From	43-2-5080-0100	Contingency	$ 2,717.11
To	43-2-5100-0100	Salaries	2,383.36
To	43-2-5100-0101	Fringes	333.75

Purpose: To supplement accounts to include 3% salary increment authorized by City Council for 83-84 budget.

From	43-2-5200-0100	Salaries	$ 3,153.54
From	43-2-5080-0100	Contingency	964.42
From	43-2-5200-0101	Fringes	440.32
To	43-2-5010-0100	Salaries	3,752.73
To	43-2-5010-0101	Fringes	805.55

Purpose: To supplement accounts to include 3% salary increment authorized by City Council.

From	43-2-5080-0100	Contingency	$ 3,012.36
To	43-2-5090-0100	Salaries	2,530.47
To	43-2-5090-0101	Fringes	481.89

Purpose: Same as above.

From	43-2-5120-0231	RHA Admin. Travel	$ 200.00
From	43-2-5080-0100	Contingency	8,081.00
To	43-2-5120-0101	RHA Admin. Fringes	1,023.00
To	43-2-5130-0100	RHA Relo. Salaries	3,184.00
To	43-2-5130-0101	RHA Fringes	2,147.00
To	43-2-5130-0231	RHA Relo. Travel	153.00
To	43-2-5140-0101	RHA Demo. Fringes	866.00
To	43-2-5150-0101	RHA Acq. Fringes	908.00

Purpose: To bring RHA's budget in line with Council approved contract.

From	43-2-5020-0100	Acq. of Real Prop.	$20,000.00
To	43-2-5300-0100	Incentive Housing	20,000.00

Purpose: To provide additional funds for projected costs of Incentive Housing Program.

From	01-2-4110-0232	Fuel-Highway Use	$ 2,000.00
To	01-2-4110-0233	M&O	2,000.00

Purpose: To provide funds to repair first line rescue vehicle.

From	01-2-5100-0261	Abatement	$ 2,000.00
To	01-2-5100-0254	Unsafe Structures	2,000.00

Purpose: To demolish Unsafe Building pursuant to City Council authorization.

From	01-2-1040-0001	Contingency	$ 4,000.00
To	18-2-1000-0700	Chlorine Kits	4,000.00

Purpose: Purchasing five chlorine gas emergency kits for five pool locations.

From	06-2-7030-0258	Chemicals	$ 4,827.26
To	06-2-7030-0285	NCDEM - Beaver Dam	4,827.26

Purpose: To reimburse North Carolina Wildlife of Beaver Dam Lake.

From	01-2-5050-0265	Other Services	$ 2,138.38
To	01-2-1040-0232	Dillon Rent	2,138.38

Purpose: To pay escalation charges for taxes, insurance and utilities as per lease agreement for January 1 - December 31, 1983.

From	34-2-3805-0102	Mun. Block "B"	$ 3,418.00
To	34-2-3810-0108	Mun. Parking Elec. Cable	3,418.00

Purpose: Paying Carolina Power & Light Company for relocation of 155 feet of cable serving Municipal Complex transformer.

From	01-2-5050-0709	Blinds/Drapes	$ 5,000.00
To	01-2-1040-0232	Dillon Rent	5,000.00

Purpose: Providing sufficient funds to pay Dillon Building Rent for the month of April.

From	01-2-5050-0219	Light/Power	$ 5,052.91
To	01-2-1040-0232	Dillon Rent	5,052.91

Purpose: Same as above.

From	01-2-1040-0215	Pub. Liability	$ 4,325.00
To	01-2-1040-0291	Auto Liab. BI & PD	4,325.00

Purpose: Supplement account to pay remaining annual premium.

From	34-2-3802-0100	Bridges & Office Sp.	$ 6,813.00
To	34-2-3920-0104	Misc.	6,813.00

Purpose: To provide for associated design contract costs in the retention of #9 (Craigs) and #32/33 (Barber).

From	34-2-3802-0100	Bridges & Offices Space	$24,723.00
To	34-2-3920-0102	Consultant Services	24,723.00

Purpose: Change Order - Transit Terminal Design - Wilbur Smith and Assoc. - A2.

From	06-2-7100-0002	P.U. Contingency	$ 6,500.00
To	06-2-7010-0267	Hydrilla Study	6,500.00

Purpose: To provide for the study of Hydrilla for an additional period of 18 months.

SWIMMING POOLS - ATHENS/LAKE JOHNSON - MILLBROOK - TO BE PLACED ON APRIL 3, 1984 AGENDA

Mr. Congleton indicated as a pointed of personal privilege, he would like to bring an item up that he had planned to discuss during the Council Members Section on the Agenda. He explained there has been some delays in terms of dealing with the pool proposed for Athens/Lake Johnson as it relates to available property. He stated, in addition, he understands that property is available at Millbrook Exchange Park and is owned by the City, therefore, he would move that the City switch the design phase for Athens/Lake Johnson to Millbrook/Exchange. His motion was seconded by Ms. Babb. Mr. Congleton indicated in making this motion, he has a commitment to continue with the pool construction pointing out the City has determined that we are going to build six pools. He indicated Administration has been asked to look for the funding for the six pools. Discussion took place with Ms. Cates questioning if the City Council is committed to the six pools with Mr. Congleton indicating it is his understanding that the Council has made that commitment on several different occasions. He indicated by making this motion, he is not taking a pool away from any area just changing the sequences. Mr. Keller questioned if the land is available at Millbrook with City Manager Benton indicating the Park's staff assured him that a pool is in the master plan for the Millbrook Exchange Park, and there is land in the boundaries of the park land for citing the pool. He indicated the question as it relates to the location at Athens may require a lot more work. He explained the values of land in that area are so high that the City is now going back to see if there is land available on the property presently owned by the City. Ms. Block indicated she just did not want to give up the Athens pool without talking to the people in the area pointing out she would still like to talk about the City purchasing the Candler pool. Ms. Cates questioned if this should not be sent through the Parks and Recreation Advisory Board with Ms. Babb indicating the City Council has committed to six pools and doing whatever it takes to build six pools with Mr. Congleton, again stating, he was not trying to take anything from District D, but his motion was made on the basis that there are delays at the Athens/Lake Johnson pool so why not go ahead with the Millbrook pool now. He stated this was done with the east Raleigh pool. Discussion took place, after which, Mr. Upchurch suggested that this be placed on the next Agenda as a special item.

WITHOUT OBJECTION, MS. BABB WAS EXCUSED AT 5:05 P.M. FOR THE REMAINDER OF THE MEETING.

RALEIGH-DURHAM AIRPORT AUTHORITY LAND SALE - CITY CONCURRED

The Airport Authority is seeking concurrence from the City Council for the sale of 13.133 acres now owned by the Airport Authority to J. D. Sims and Company for $65,665. This proposed sale must have the approval of the local governments.

Council Members received a copy of the letter explaining this proposal and a map in their Agenda packets. It should be noted that the sale price is $5,000 per acre and reflects the landlocked nature of the property.

Recommendation: Council approval of the Airport Authority request is necessary to conclude this sale. Mr. Walters moved Administration's recommendation be upheld. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

BENT CREEK SUBDIVISION - PRIVATE STREETS - STATUS REPORT RECEIVED

At the previous Council Meeting, Administration was requested to inspect the construction of private streets to ascertain their condition. The private streets in section one of Bent Creek are in good condition. The streets in section two of Bent Creek have several places where the pavement has failed in large areas. The streets in section three and four have not been built. The contractor and developer have been made aware of the street failures in section two and have agreed to make the necessary repairs when the weather permits. The Subdivision Inspector for this area will verify that the repairs are made according to our standards for street construction.

Without objection, the motion was received as information.

HYDRILLA STUDY CONTRACT - AMENDMENT - FUNDS APPROPRIATED

For approximately the past eighteen months, the City of Raleigh and NC State University have been involved in a cooperative venture in an attempt to determine method of control, or elimination, of hydrilla from fresh water impoundments. A substantial impetus for this action is the substantial growth of hydrilla in Lake Wheeler and presumably Lake Benson, that will in all likelihood limit the future utilization of those lakes for recreational or water source. The initial study period has produced some meaningful data. A copy of the final report dated February 1984, was included in the Council Members' Agenda packet. However, the study needs to be continued for another year to 18 months to obtain a more comprehensive understanding of the effects of various methods of control.

Recommendation: It is recommended that the City enter into an additional contract to provide for the study of Hydrilla for an additional period of 18 months at a cost to the City of $6,500.

If approved, the following transfer of funds would be necessary.

From:
06-2-7100-0002 Contingency - P.U. $6,500

To:
06-2-7010-0267 Hydrilla Study - P.U. $6,500

Mr. Walters moved Administration's recommendation be upheld. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 302 TF 17

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 21, 1983, and included in the budget for the fiscal year ending June 30, 1984, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 01-2-1040-0001	Contingency	$ 1,000.00
To 01-2-1100-0101	Salaries - Art	1,000.00
Purpose: To fund part time art coordinator for reminder of fiscal year.		
From 01-2-1040-0001	Contingency	$ 325.00
To 01-2-1100-0213		325.00
Purpose: To join Sister Cities International.		
From 01-2-1040-0001	Contingency	$ 7,716.00
To 01-2-1100-0705	Office Equipment	5,000.00
To 01-2-1010-0260	Office Supplies	160.00
To 01-2-1100-0100	Salaries	2,556.00
Purpose: To fund O.A. IV in Council Office, purchase office equipment and copy machine.		

From	38-2-3200-0100	Apollo Heights Center	$30,000.00
To	38-2-3200-0102	Apollo Heights Center B	20,000.00
To	38-2-3200-0104	Apollo Heights Center D	10,000.00

Purpose: To establish account for engineering services for construction of Apollo Heights Community Center and establish account for advertising, testing of soil and materials and other misc. items.

From	43-2-6000-0104	State Street Drainage	$77,100.92
To	43-2-6000-0108	Drainage/Street Site Imp.	77,100.92

Purpose: To provide funds for the W. E. Garrison drainage/street site improvements contract.

From	34-2-3802-0100	Office Space	$22,000.00
To	43-2-6200-0200	Econ. Dev. Market Plaza	22,000.00

Purpose: To fund shortfall on market plaza contract.

From	84-2-1060-0000	E. M. Johnson Plant Expan.	$92,478.65
To	84-2-1060-0501	E. M. Johnson Construction	92,478.65

Purpose: Contract Change Order E. M. Johnson Water Plant Expansion - Roberts Filter Manu. Co., Inc. - F-8.

From	34-2-3826-0107	Contingency	$ 6,078.00
To	34-2-3826-0101	General Construction	6,078.00

Purpose: Change Order - Fire Station 17 - Saieed Construction Corp. - G-2.

From	34-2-3826-0107	Contingency	$ 1,674.00
To	34-2-3826-0101	General Construction	1,674.00

Purpose: Change Order - Fire Station 17 - Saieed Construction Corporation - G-2.

From	01-2-1040-0001	Contingency	$ 1,680.00
To	01-2-1040-0201	Relocation Parking	1,680.00

Purpose: To provide funds for the rental of additional parking spaces during parking deck construction.

From	30-2-1000-0100	Reserve	$ 6,393.75
To	30-2-5000-0100	Salisbury Street Land	6,393.75

Purpose: To supplement account to satisfy interest.

From	43-2-5080-0100	Contingency	$ 2,717.11
To	43-2-5100-0100	Salaries	2,383.36
To	43-2-5100-0101	Fringes	333.75

Purpose: To supplement accounts to include 3% salary increment authorized by City Council for 83-84 budget.

From	43-2-5200-0100	Salaries	$ 3,153.54
From	43-2-5080-0100	Contingency	964.42
From	43-2-5200-0101	Fringes	440.32
To	43-2-5010-0100	Salaries	3,752.73
To	43-2-5010-0101	Fringes	805.55

Purpose: To supplement accounts to include 3% salary increment authorized by City Council.

From	43-2-5080-0100	Contingency	$ 3,012.36
To	43-2-5090-0100	Salaries	2,530.47
To	43-2-5090-0101	Fringes	481.89

Purpose: Same as above.

From	43-2-5120-0231	RHA Admin. Travel	$ 200.00
From	43-2-5080-0100	Contingency	8,081.00
To	43-2-5120-0101	RHA Admin. Fringes	1,023.00
To	43-2-5130-0100	RHA Relo. Salaries	3,184.00
To	43-2-5130-0101	RHA Fringes	2,147.00
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To	43-2-5140-0101	RHA Demo. Fringes	866.00
To	43-2-5150-0101	RHA Acq. Fringes	908.00

Purpose: To bring RHA's budget in line with Council approved contract.

From	43-2-5020-0100	Acq. of Real Prop.	$20,000.00
To	43-2-5300-0100	Incentive Housing	20,000.00

Purpose: To provide additional funds for projected costs of Incentive Housing Program.

From	01-2-4110-0232	Fuel-Highway Use	$ 2,000.00
To	01-2-4110-0233	M&O	2,000.00

Purpose: To provide funds to repair first line rescue vehicle.

From	01-2-5100-0261	Abatement	$ 2,000.00
To	01-2-5100-0254	Unsafe Structures	2,000.00

Purpose: To demolish Unsafe Building pursuant to City Council authorization.

From	01-2-1040-0001	Contingency	$ 4,000.00
To	18-2-1000-0700	Chlorine Kits	4,000.00

Purpose: Purchasing five chlorine gas emergency kits for five pool locations.

From	06-2-7030-0258	Chemicals	$ 4,827.26
To	06-2-7030-0285	NCDEM - Beaver Dam	4,827.26

Purpose: To reimburse North Carolina Wildlife of Beaver Dam Lake.

From	01-2-5050-0265	Other Services	$ 2,138.38
To	01-2-1040-0232	Dillon Rent	2,138.38

Purpose: To pay escalation charges for taxes, insurance and utilities as per lease agreement for January 1 - December 31, 1983.

From	34-2-3805-0102	Mun. Block "B"	$ 3,418.00
To	34-2-3810-0108	Mun. Parking Elec. Cable	3,418.00

Purpose: Paying Carolina Power & Light Company for relocation of 155 feet of cable serving Municipal Complex transformer.

From	01-2-5050-0709	Blinds/Drapes	$ 5,000.00
To	01-2-1040-0232	Dillon Rent	5,000.00

Purpose: Providing sufficient funds to pay Dillon Building Rent for the month of April.

From	01-2-5050-0219	Light/Power	$ 5,052.91
To	01-2-1040-0232	Dillon Rent	5,052.91

Purpose: Same as above.

From	01-2-1040-0215	Pub. Liability	$ 4,325.00
To	01-2-1040-0291	Auto Liab. BI & PD	4,325.00

Purpose: Supplement account to pay remaining annual premium.

From	34-2-3802-0100	Bridges & Office Sp.	$ 6,813.00
To	34-2-3920-0104	Misc.	6,813.00

Purpose: To provide for associated design contract costs in the retention of #9 (Craigs) and #32/33 (Barber).

From	34-2-3802-0100	Bridges & Offices Space	$24,723.00
To	34-2-3920-0102	Consultant Services	24,723.00

Purpose: Change Order - Transit Terminal Design - Wilbur Smith and Assoc. - A2.

From	06-2-7100-0002	P.U. Contingency	$ 6,500.00
To	06-2-7010-0267	Hydrilla Study	6,500.00

Purpose: To provide for the study of Hydrilla for an additional period of 18 months.

BID REQUEST 83-56 - JANITORIAL SERVICES FOR MUNICIPAL BUILDING - BID AWARDED TO COASTAL MAINTENANCE COMPANY

Pursuant to advertisement, bids were received and publicly opened in the office of the Purchasing Agent on March 13, 1984, for janitorial services for the City of Raleigh new and old Municipal Buildings with results as follows:

BIDDER	MINIMUM NUMBER OF PERSONNEL PLUS ONE SUPERVISOR	AMOUNT PER MONTH
Professional Cleaning Services	6	$ 3,969.40
Coastal Maintenance Company	10	5,105.00
Metro Cleaning Services	8	5,760.75
Family Cleaning	12	6,195.00
CMC Maintenance	13	6,197.00
Rochelle Cleaning	10	6,300.00
Triangle Building Services	13	6,435.00
Oxford Building Services	15	6,714.58
Southern Building Maintenance	12	6,796.00
CROTHALL American	10	6,901.17
Swan Services	13	7,383.34
ARA ESI, Inc.	15	7,500.00
Mopit Janitorial Service	15	7,944.47
Appling Commercial Building Maint.	13	10,341.33

It was pointed out each bidder is provided all equipment and supplies and is to furnish restrooms supplies, and the work will be performed between the hours of 6:00

The State will pay the full cost of the road from the culvert to Timberlake -Brentwood Road.

The City will pay 50% of the cost of the culvert structure.

The City will incur the right of way acquisition cost west of Marsh Creek.

The City would fund $70,000 of the cost of the road east of Marsh Creek.

Currently, the City has $200,000 budgeted for this projected.

Development Associates will fund the road east of Marsh Creek to existing Lake Woodard Drive except for the $70,000 allocated by the City.

E. Roadway Construction

Development Associates will build the road east of Marsh Creek.

The City will build the culvert structure across Marsh Creek and the roadway connection from the creek to Timberlake-Brentwood Road.

Observations

In 1982, the residents in the Timberlake area were concerned about this project and appeared before the Public Works Committee. It should be noted that the following should mitigate their apprehensions:

The road would not go through the residential area. Traffic flow into the residential area should not be affected. THere would be added traffic at the Brentwood Road intersection.

The culvert structure would be designed to minimize the flood impact on Marsh Creek.

The expansion of the Telex facility is of significant importance. The employment at this site continues to increase. Since 1976, the employment has increased from 385 to 765. Their plans are to increase to an ultimate of 1100 employees.

Mr. Walters indicated he feels we should go ahead and approve the suggestion, and discussion took place relative to the problem of the children and bus loading. Mr. Benton indicated may be we could look at some type turn around at the private entrance. Mr. Walters questioned if the culvert would reduce the flooding problems in the area in any way. This was discussed briefly with City Manager Benton indicating if we can get in there and clean out the stream, it may help. He stated he did not know if it would reduce the flooding problems, but it may help to minimize the flooding. He indicated there is a possibility of trying to go up the stream and clean it out for a short distance. Ms. Block indicated may be we could work with the School Board on something like a bus waiting station in this area. Discussion took place as to whether public hearings are required with Mr. Benton indicating no specific public hearings are required. Ms. Cates moved approval of the Manager's recommendations as outlined. Her motion was seconded by Mr. Calloway. Mr. Walters indicated he would not oppose this, and he did not necessary feel that we need a public hearing. He stated we have got to have a road in this area, and this is the only solution, therefore, the motion as stated was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

GOODMAN BLIMP - INFORMATION RECEIVED

City Attorney McCormick indicated he had no report other than the information he sent to the Council relative to the Goodman Toyota case. Mayor Upchurch indicated the attorney's office should be congratulated indicating this has been a long drawn out procedure.

REPORT OF MAYOR AND COUNCIL MEMBERS

COUNCILMAN CALLOWAY - EXCUSED FROM REMAINDER OF THE MEETING

Mr. Upchurch indicated Mr. Calloway had asked to be excused for the remainder of this meeting and the night meeting and expressed appreciation to Mr. Calloway for being at the afternoon meeting even though he was not feeling well.

CP&L - CUTTING OF TREES ON RIGHT-OF-WAY - REFERRED TO ADMINISTRATION

Mr. Upchurch asked that Administration check into a situation at 2507 Beechwood Road. He pointed out a Mr. Matthews has indicated that CP&L is doing excessive cutting of trees and when he contacted CP&L, he was told that they had this right. Mr. Upchurch indicated that he did not know if the City had any authority, but he would like for Administration to check it out. Without objection, the item was referred to Administration.

CABLEVISION - U.S. HOUSE RESOLUTION - RESOLUTION OF OPPOSITION ADOPTED

Mayor Upchurch presented a proposed resolution relating to Senate Bill 66 and a similar House Bill. He read the resolution indicating he would suggest that this

p.m. and 10:00 p.m. City Manager Benton indicated Administration recommends that the second low bid - Coastal Maintenance Company be awarded this bid pointing out it was not felt that the low bidder would be providing enough personnel to adequately do the job. Mr. Congleton questioned the possibility of City staff maintenance doing the maintenance and if this has been looked at. City Manager Benton indicated this was evaluated about five years ago and it was agreed to go to contract rather than having it done by City staff. Discussion took place with City Manager Benton pointing out there is a thirty day cancellation clause, and the City will be watching the work very carefully to make sure they are complying with all the regulations. Mr. Walters moved the Manager's recommendation be upheld. His motion was seconded by Ms. Cates and a roll call vote resulted in all member voting in the affirmative. The Mayor ruled the motion adopted.

BID REQUEST 83-60 SURPLUS SALE - NO ACTION TAKEN

It was pointed out bids for the seats in the City Council Chamber and the public address system were to be received on March 19, and a report would be made at the Council meeting. City Manager Benton indicated there were no bids for either. Discussion took place with Ms. Block pointing out possibly Theatre In The Park should be considered for use of the Council seats. Discussion took place as to whether any other City agency could use these items, and Administration was asked to look into that possibility and come back with any recommendations they may have on the surplus property.

LAKE WOODARD DRIVE EXTENSION - VARIOUS ACTIONS APPROVED

City Manager Zachary presented the following report on the extension of Lake Woodard Drive from existing Lake Woodard Drive to Brentwood Road. In making the report, Mr. Benton utilized a map of the project.

This project has been under review by the City for approximately two years. In February, 1982, the City Council authorized the following:

Convey to Governor Hunt the City's support for this project;

Expressing to Telex Terminal Communication that the City supported timely construction this road; and

Authorized City Administration to coordinate efforts to construct the street.

Since that time, the City staff has expended considerable time in evaluating the appropriate corridor or route for the road and have identified the route which is feasible and least disruptive to the affected property owners.

Also, the City staff has worked with the State, Telex, and the property developer to identify a feasible plan to construct this project. The following arrangement has been developed.

A. Right of Way
The area east of Marsh Creek is in the area owned by Development Associates and would be conveyed at no cost to the City.

The area west of March Creek crosses property owned by Mr. Carroll. The alignment appears to reduce the adverse impact on Mr. Carroll's greenhouse operations.

The City would be responsible for acquiring the right of way on the west side of Marsh Creek.

B. Design
Development Associates will design the roadway from Lake Woodard Drive to Marsh Creek which would be a standard collector street cross section (41').

Development Association will design the roadway west of Marsh Creek which would be a standard State system cross section (24' of pavement) since development adjacent to this section is not likely to occur.

The State Department of Transportation will design the culvert structure for the crossing of Marsh Creek. It should be noted that the tentative plans indicate that the culvert would be designed to allow water to flow over the road during flood conditions and would meet the flood zone requirements, limiting no more than one foot rise in the 100 year flood condition.

C. Utilities
Development Associates will design and install the appropriate sanitary sewer line east of Marsh Creek.

Development Associates will design and install the appropriate water line in Lake Woodard Drive to the eastern edge of the structure on Marsh Creek.

The City will extend the water line to Brentwood Road.

D. Financing of Project
The State will pay 50% of the cost of culvert structure across Marsh Creek.

resolution of concern relating to the pending house bill be passed. Brief discussion took place, and it was agreed to hold this until the night portion of the meeting to give Council members an opportunity to study it.

During the night section of the meeting, Mr. Congleton moved that the resolution as presented by the Mayor be adopted. His motion was seconded by Ms. Babb and a roll call vote resulted in all member voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) - 472

A RESOLUTION TO INDICATE THE OPPOSITION OF THE CITY OF RALEIGH TO H.R. 4103

WHEREAS, cable television is an important part of the communications and entertainment available to many communities throughout the country; and

WHEREAS, the most efficient method of regulating the cable television business is to regulate it at the local level where there is a greater awareness of the needs of the subscribing public and the capabilities of those providing the service; and

WHEREAS, the U.S. House of Representatives is currently considering H.R. 4103, a bill which would seriously erode, if not totally destroy, the ability of cities to exercise meaningful regulation of local cable television systems; and

WHEREAS, H.R. 4103 would interfere with existing contractual obligations between carriers and cities to the deteriment of the public; and

WHEREAS, H.R. 4103 would seriously restrict the manner and degree to which local government could approve rate regulation; and

WHEREAS, H.R. 4103 establishes criteria for franchise renewal which are heavily weighed in favor of the cable companies at the expense of the cities and the public; and

WHEREAS, H.R. 4103 contains other provisions which abrogate additional rights and duties which were bargained for honestly and at arms length.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH that the City of Raleigh opposes H.R. 4103 as it is now constituted and further, that the City supports the position of the National League of Cities regarding the needed additions, alterations and deletions to H.R. 4103.

ADOPTED: 3/20/84

CITY COUNCIL OFFICE - POSITION ADDED AND FUNDS APPROPRIATED FOR COPY MACHINE

Mr. Upchurch indicated Council members received a memo from the City Manager relating to possibility of an additional clerical position and copy machine in the City Council office following the move to the new building. He indicated this letter was in response to his request the February 21 Council meeting. The memo pointed out that the Council may wish to consider the addition of an Office Assistant IV in the City Manager's budget to work in the Council office beginning April 15, 1984, with the understanding the salary cost for the current year will be $2,556. The annual salary cost would be $11,943. Furniture for the position similar to the present City Council office furniture and a typewriter would cost approximately $2,500. A copy machine similar to the one in use in the City Manager's office could be purchased for approximately $2,500 with operating/supplies and costs for the remainder of this fiscal year being approximately $160.00 pointing out the subsequent annual operating supplies cost would be approximately $750.00 per year. It was pointed out if the Council wishes to add the position and purchase a copy machine, the cost for the remainder of this fiscal year would be $7,716.00. Mr. Calloway moved approval of the additional position and copy machine as outlined by the Manager. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 302 TF 17

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 21, 1983, and included in the budget for the fiscal year ending June 30, 1984, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 01-2-1040-0001	Contingency	$ 1,000.00
To 01-2-1100-0101	Salaries - Art	1,000.00

Purpose: To fund part time art coordinator for reminder of fiscal year.

From	01-2-1040-0001	Contingency	$ 325.00
To	01-2-1100-0213		325.00

Purpose: To join Sister Cities International.

From	01-2-1040-0001	Contingency	$ 7,716.00
To	01-2-1100-0705	Office Equipment	5,000.00
To	01-2-1010-0260	Office Supplies	160.00
To	01-2-1100-0100	Salaries	2,556.00

Purpose: To fund O.A. IV in Council Office, purchase office equipment and copy machine.

From	38-2-3200-0100	Apollo Heights Center	$30,000.00
To	38-2-3200-0102	Apollo Heights Center B	20,000.00
To	38-2-3200-0104	Apollo Heights Center D	10,000.00

Purpose: To establish account for engineering services for construction of Apollo Heights Community Center and establish account for advertising, testing of soil and materials and other misc. items.

From	43-2-6000-0104	State Street Drainage	$77,100.92
To	43-2-6000-0108	Drainage/Street Site Imp.	77,100.92

Purpose: To provide funds for the W. E. Garrison drainage/street site improvements contract.

From	34-2-3802-0100	Office Space	$22,000.00
To	43-2-6200-0200	Econ. Dev. Market Plaza	22,000.00

Purpose: To fund shortfall on market plaza contract.

From	84-2-1060-0000	E. M. Johnson Plant Expan.	$92,478.65
To	84-2-1060-0501	E. M. Johnson Construction	92,478.65

Purpose: Contract Change Order E. M. Johnson Water Plant Expansion - Roberts Filter Manu. Co., Inc. - F-8.

From	34-2-3826-0107	Contingency	$ 6,078.00
To	34-2-3826-0101	General Construction	6,078.00

Purpose: Change Order - Fire Station 17 - Saieed Construction Corp. - G-2.

From	34-2-3826-0107	Contingency	$ 1,674.00
To	34-2-3826-0101	General Construction	1,674.00

Purpose: Change Order - Fire Station 17 - Saieed Construction Corporation - G-2.

From	01-2-1040-0001	Contingency	$ 1,680.00
To	01-2-1040-0201	Relocation Parking	1,680.00

Purpose: To provide funds for the rental of additional parking spaces during parking deck construction.

From	30-2-1000-0100	Reserve	$ 6,393.75
To	30-2-5000-0100	Salisbury Street Land	6,393.75

Purpose: To supplement account to satisfy interest.

From	43-2-5080-0100	Contingency	$ 2,717.11
To	43-2-5100-0100	Salaries	2,383.36
To	43-2-5100-0101	Fringes	333.75

Purpose: To supplement accounts to include 3% salary increment authorized by City Council for 83-84 budget.

From	43-2-5200-0100	Salaries	$ 3,153.54
From	43-2-5080-0100	Contingency	964.42
From	43-2-5200-0101	Fringes	440.32
To	43-2-5010-0100	Salaries	3,752.73
To	43-2-5010-0101	Fringes	805.55

Purpose: To supplement accounts to include 3% salary increment authorized by City Council.

From	43-2-5080-0100	Contingency	$ 3,012.36
To	43-2-5090-0100	Salaries	2,530.47
To	43-2-5090-0101	Fringes	481.89

Purpose: Same as above.

From	43-2-5120-0231	RHA Admin. Travel	$ 200.00
From	43-2-5080-0100	Contingency	8,081.00
To	43-2-5120-0101	RHA Admin. Fringes	1,023.00
To	43-2-5130-0100	RHA Relo. Salaries	3,184.00
To	43-2-5130-0101	RHA Fringes	2,147.00
To	43-2-5130-0231	RHA Relo. Travel	153.00
To	43-2-5140-0101	RHA Demo. Fringes	866.00
To	43-2-5150-0101	RHA Acq. Fringes	908.00

Purpose: To bring RHA's budget in line with Council approved contract.

From	43-2-5020-0100	Acq. of Real Prop.	$20,000.00
To	43-2-5300-0100	Incentive Housing	20,000.00

Purpose: To provide additional funds for projected costs of Incentive Housing Program.

From	01-2-4110-0232	Fuel-Highway Use	$ 2,000.00
To	01-2-4110-0233	M&O	2,000.00

Purpose: To provide funds to repair first line rescue vehicle.

From	01-2-5100-0261	Abatement	$ 2,000.00
To	01-2-5100-0254	Unsafe Structures	2,000.00

Purpose: To demolish Unsafe Building pursuant to City Council authorization.

From	01-2-1040-0001	Contingency	$ 4,000.00
To	18-2-1000-0700	Chlorine Kits	4,000.00

Purpose: Purchasing five chlorine gas emergency kits for five pool locations.

From	06-2-7030-0258	Chemicals	$ 4,827.26
To	06-2-7030-0285	NCDEM - Beaver Dam	4,827.26

Purpose: To reimburse North Carolina Wildlife of Beaver Dam Lake.

From	01-2-5050-0265	Other Services	$ 2,138.38
To	01-2-1040-0232	Dillon Rent	2,138.38

Purpose: To pay escalation charges for taxes, insurance and utilities as per lease agreement for January 1 - December 31, 1983.

From	34-2-3805-0102	Mun. Block "B"	$ 3,418.00
To	34-2-3810-0108	Mun. Parking Elec. Cable	3,418.00

Purpose: Paying Carolina Power & Light Company for relocation of 155 feet of cable serving Municipal Complex transformer.

From	01-2-5050-0709	Blinds/Drapes	$ 5,000.00
To	01-2-1040-0232	Dillon Rent	5,000.00

Purpose: Providing sufficient funds to pay Dillon Building Rent for the month of April.

From	01-2-5050-0219	Light/Power	$ 5,052.91
To	01-2-1040-0232	Dillon Rent	5,052.91

Purpose: Same as above.

From	01-2-1040-0215	Pub. Liability	$ 4,325.00
To	01-2-1040-0291	Auto Liab. BI & PD	4,325.00

Purpose: Supplement account to pay remaining annual premium.

From	34-2-3802-0100	Bridges & Office Sp.	$ 6,813.00
To	34-2-3920-0104	Misc.	6,813.00

Purpose: To provide for associated design contract costs in the retention of #9 (Craigs) and #32/33 (Barber).

From	34-2-3802-0100	Bridges & Offices Space	$24,723.00
To	34-2-3920-0102	Consultant Services	24,723.00

Purpose: Change Order - Transit Terminal Design - Wilbur Smith and Assoc. - A2.

From	06-2-7100-0002	P.U. Contingency	$ 6,500.00
To	06-2-7010-0267	Hydrilla Study	6,500.00

Purpose: To provide for the study of Hydrilla for an additional period of 18 months.

REQUEST AND PETITION FOR CITIZENS - ADD ON - AUTHORIZED

Mayor Upchurch indicated as a point of personal privilege, he would like to add to the Agenda tonight, under Request and Petitions of Citizens, a representative of Capital Electronics and the Muffler Shop on Glenwood Avenue. Without objection, it was agreed that this item would be added to the Agenda.

DRAINAGE PROBLEM - U.S. 70 WEST - REFERRED TO ADMINISTRATION

Mayor Upchurch indicated he had calls relative to a storm drainage problem at the rear of 3709 Fernwood Drive - James Ed Glover and at 3613 Fernwood Drive - Doug Taylor. He stated this is at the back of Ace Hardware on U.S. 70 West, and he wondered if this was the type project that could be handled under our policy of the property owner furnishing materials and the City furnishing the labor. He indicated Administration has looked at this and, he would request that the Public Works review the item and determine if it can be addressed by that policy. Without objection, the item was referred to Public Works Committee.

GREATER RALEIGH SENIOR GAMES - INFORMATION RECEIVED

Councilman Congleton gave other Council members information on the Greater Raleigh Senior Games pointing out Raleigh has taken a leadership role in this project. He indicated it is going to be a very special event pointing out we have one of the nationally known runners who lives in our area. He encourages Council members to participate in this event.

OPTIMIST SWIMMING POOL - ADMINISTRATION TO GIVE A REPORT

Mr. Congleton indicated he understands there is a proposal to close Optimist pool six weeks a year, three weeks in the spring and three weeks in the fall. He indicated, currently, he understands it is only closed one week in the spring and one week in

the fall. He stated the Optimist pool is used by a variety of people like handicapped people, etc., and they are very concerned about the possibility of lost of use of the pool for six weeks in the year. He stated he would like for Administration to really look closely at this item as the people are very concerned. He stated we have a good facility that serves a large number of people, and he wants this to be looked at very carefully. Without objection the item was referred to Administration.

STREET IMPROVEMENT - BROCKTON ROAD - REFERRED TO ADMINISTRATION

Mr. Walters asked Administration to look at Brockton Road and consider the possibility of a petition for paving and guttering Brockton Road. Without objection, the item was referred to Administration.

DRAINAGE PROBLEM - REMINGTON ROAD - REFERRED TO ADMINISTRATION

Mr. Walters asked that Administration look into a drainage problem at 2404 Remington Road pointing out this is near the intersection with Marlborough Road. Without objection, the item was referred to Administration.

CAT SHELTER - NEW BERN AVENUE - REFERRED TO ADMINISTRATION

Mr. Walters indicated he would like for Administration to consider a recommendation made by the Student Government City Council and that is the possibility of a CAT Shelter on New Bern Avenue at Clarendon Crescent. Without objection, the item was referred to Administration.

FRED FLETCHER PARK (METHODIST HOME PROPERTY) - POSSIBILITY OF ADDITIONAL ACQUISITION - REFERRED TO REAL ESTATE COMMITTEE

Ms. Cates indicated the population density in the area of the Methodist Home property is increasing. She indicated the Master Planning Committee is considering this as a metro park and the School Board has stated their needs in the area, and a swimming pool is also to be located in this park. She stated, in addition, a number of clubs have asked for space, a band shell has been suggested as well as outdoor artist space. She indicated parking for cars for all of these events will take up much of the area. She questioned if all of these needs are met, how much green space would be left at the Fletcher Park. She asked the Council to put in Real Estate Committee the idea of buying an additional 2.1 acre tract of land pointing out there is land available that is adjacent to the School Boards site and located on the east side of Nichols Drive. She indicated the available land inside the Beltline is the diminishing daily, and we all continue talking about quality of life, physical and mental needs, and we also need to do whatever we can to help Broughton High School meet their needs, therefore, she would like the City to look at the possibility of acquiring additional land. Without objection, the item was referred to Real Estate Committee.

ENTERTAINMENT FACILITIES - OVERCROWDING - DIRECTION GIVEN

Ms. Block indicated she had talked with the City attorney about actions the Council had taken relative to overcrowding of entertainment establishments, and evidently, there was some confusion as to the direction of Council. She stated she would like for the City Attorney to develop a resolution to be sent to each candidate for the General Assembly as well as the North Carolina League of Municipalities asking them to support removing the top fine that could be given when an establishment is found guilty of overcrowding. The item was referred to the City Attorney.

REPORT OF CITY CLERK AND TREASURER

MINUTES - FEBRUARY 21, 1984 COUNCIL MEETING

The City Clerk indicated Council members received copies of the minutes of the February 21, 1984, Council meeting. Mr. Congleton moved approval of the minutes as presented. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REAL PROPERTY EXCHANGE - NORTH BOULEVARD INDUSTRIAL PARK - RESOLUTION AUTHORIZING EXCHANGE ADOPTED

During the February 21, 1984, Council Meeting, several actions were taken relating to the Atlantic Avenue project. One involved the exchange of real property of the City of Raleigh for real property of North Boulevard Industrial Park, Ltd. (A copy of the resolution was included in the Agenda packet.) The proper time period has lapsed, therefore, it would be appropriate to consider adopting a resolution authorizing the exchange of the real property as outlined. Mr. Keller moved adoption of the resolution as outlined. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION 1984-473

A RESOLUTION AUTHORIZING THE EXCHANGE OF REAL PROPERTY OF THE CITY OF RALEIGH FOR REAL PROPERTY OF NORTH BOULEVARD INDUSTRIAL PARK, LIMITED

WHEREAS, the City Council received a proposal to exchange certain real property described in Exhibit A, attached and incorporated hereunto by reference, for certain real property of North Boulevard Industrial Park, Limited, described in Exhibit B, also attached and incorporated hereunto by reference.

WHEREAS, on February 21, 1984, the City Council adopted Resolution 1984-459, stating its intent to exchange this real property, said resolution setting out description and values of property.

WHEREAS, this Resolution was published in The Raleigh Times on March 7, 1984, as required by General Statutes 160A-271.

WHEREAS, on March 20, 1984, the City Council considered this matter during a regular Council meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH that:

1. that the real property owned by the City of Raleigh as described in the foregoing sections of this Resolution be authorized for exchange for the real property of North Boulevard Industrial Park, Limited, as described.

EXHIBIT A

(Property of the City Proposed to be Exchanged)

Tract 5, 6, 7

An easement to construct, improve, reconstruct, replace, inspect, repair, maintain, and use a public street, including related and customary uses of street right-of-way such as sidewalk, bike path, sanitary sewer, storm drain, water supply, cable television, electric power and telephone transmission purposes in, upon and across the property of the Grantor described in an instrument recorded in Deed Book 2038, Page 254, Wake County Registry, the area subject to this easement being more particularly described as follows:

Beginning at a point, said point being in a common property line between the land of North Boulevard Industrial Park and that of Ralph K. Ingram and being 668.63 feet to the south 87 deg. 24 min. 15 sec. west from the northeast corner of the North Boulevard Industrial Park property; thence south 27 deg. 41 min. 17 sec. west 32.52 feet to a point on tangent; thence southerly along an arc length having a radius of 2,251.83 feet a distance of 504.96 feet to a point in the existing northern right-of-way line of Millbrook Road; thence along said right-of-way line north 81 deg. 53 min. 28 sec. west 19.49 feet to a point; thence north 76 deg. 38 min. 28 sec. west 47.19 feet to a point; thence north 71 deg. 11 min. 28 sec. west 13.50 feet to a point; thence northerly along an arc length having a radius of 2,331.83 feet a distance of 511.31 feet to a point in the aforesaid common property line; thence north 87 deg. 24 min. 15 sec. east 92.63 feet to the point and place of beginning.

Together with the temporary easement necessary for the construction of slopes for cuts and fills upon the property immediately adjacent, on both sides of the above-described permanent easement area, the public street to be graded the entire width of the permanent easement, and the necessary slopes for cuts and fills to be constructed outside of the easement. Following construction of the street, all temporary easement for slopes of cuts and fills to the City shall terminate, and the landowners may make all lawful uses of the property, provided there be no damage to the subjacent support of the public street.

Further reference is made to a map prepared by CITY OF RALEIGH DEPARTMENT OF CENTRAL ENGINEERING, entitled "ATLANTIC AVENUE RIGHT-OF-WAY ACQUISITION" FROM: EXISTING WINTON ROAD TO: SEABOARD RAILROAD, dated 10-21-82, and recorded in Book for Maps 1983, at Page 681, in the office of the Register of Deeds for Wake County, North Carolina.

Tract 9

An easement to construct, improve, reconstruct, replace, inspect, repair, maintain, and use a public street, including related and customary uses of street right-of-way such as sidewalk, bike path, sanitary sewer, storm drain, water supply, cable television, electric power and telephone transmission purposes in, upon and across the property of the Grantor described in an instrument recorded in Deed Book 2168, Page 473, Wake County Registry, the area subject to this easement being more particularly described as follows:

Beginning at a point, said point being in a common property line between the land of North Boulevard Industrial Park and that of Ralph K. Ingram and being 632.30 feet to the south 63 deg. 07 min. 45 sec. east from the south west corner (control point) of the North Boulevard Industrial Park property; thence north 27 deg. 41 min. 17 sec. east 25.15 feet to a point on tangent; thence northerly along an arc length having a radius of 1,392.42 feet a distance of 1,118.98 feet to a point on tangent; thence north 18 deg. 21 mi. 23 sec. west 291.98 feet to a point in the eastern property line of land owned by Bruce C. Robertson; thence along said property line north 27 deg. 30 min. 30 sec. east 111.42 feet to a point; thence south 18 deg. 21 min. 23 sec. east 369.57 feet to a point on tangent; thence southerly along an arc length having a radius of 1,472.42 feet a distance of 1,183.27 feet to a point on tangent; thence south 27 deg. 41 min. 17 sec. west 24.01 feet to a point in the aforesaid property line between Ralph K. Ingram and North Boulevard Industrial Park; thence along said property line north 63 deg. 07 min. 45 sec. west 80.01 feet to the point and place of beginning.

Together with the temporary easement necessary for the construction of slopes for cuts and fills upon the property immediately adjacent, on both sides of the above-described permanent easement area, the public street to be graded the entire width of the permanent easement, and the necessary slopes for cuts and fills to be constructed outside of the easement. Following construction of the street, all temporary easement for slopes of cuts and fills to the City shall terminate, and the landowners may make all lawful uses of the property, provided there be no damage to the subjacent support of the public street.

Further reference is made to a map prepared by CITY OF RALEIGH DEPARTMENT OF CENTRAL ENGINEERING, entitled "ATLANTIC AVENUE RIGHT-OF-WAY ACQUISITION" FROM: EXISTING WINTON ROAD TO: SEABOARD RAILROAD, dated 10-21-82, and recorded in Book of Maps 1983, at Page 682, in the office of the Register of Deeds for Wake County, North Carolina.

EXHIBIT B

(Property of North Boulevard Industrial Park, Ltd. Proposed to be Exchanged)

Tract 1

An easement, now and hereafter, to construct, improve, reconstruct, replace, inspect, repair, maintain, and use a public street, including related and customary uses of street right-of-way such as sidewalk, bike path, sanitary sewer, storm drain, water supply, cable television, electric power and telephone transmission purposes in, upon and across the property of the Grantors described in an instrument recorded in Deed Books 2009-470, 471 2038-254, Wake County Registry, the area subject to this easement being more particularly described as follows:

Beginning at a point, said point being in a common property line between the land of North Boulevard Industrial Park and that of Ralph K. Ingram and being 906.77 feet to the south 87 deg. 24 min. 15 sec. west from the northeast corner of the North Boulevard Industrial Park property; thence southerly along an arc length having a radius of 950.52 feet a distance of 266.09 feet to a point on tangent; thence south 07 deg. 11 min. 17 sec. west 191.23 feet to a point in the northern right-of-way line of Millbrook Road; thence along said right-of-way line north 64 deg. 38 min. 30 sec. west 18.31 feet to a point; thence north 57 deg. 53 min. 30 sec. west 46.76 feet to a point; thence north 52 deg. 15 min. 30 sec. west 23.44 feet to a point; thence north 07 deg. 11 min. 17 sec. east 153.82 feet to a point on tangent; thence northerly along an arc length having a radius of 1,030.52 feet a distance of 250.11 feet to a point in the aforesaid common property line; thence along said property line north 37 deg. 24 min. 15 sec. east 88.08 feet to the point and place of beginning. Further reference is made to a map prepared by CITY OF RALEIGH DEPARTMENT OF CENTRAL ENGINEERING, entitled ATLANTIC AVE. R/W ACQUISITION, dated 12-9-83, and recorded in Book of Maps _____, at Page _____, in the office of the Register of Deeds for Wake County, North Carolina.

Together with the temporary easement necessary for the construction of slopes for cuts and fills upon the property immediately adjacent, on both sides of the above-described permanent easement area, the public street to be graded the entire width of the permanent easement, and the necessary slopes for cuts and fills to be constructed outside of the easement. Following construction of the street, all temporary easement for slopes of cuts and fills to the City shall cease, and the landowners may make all lawful uses of the property, provided there be no damage to the subjacent support of the public street.

Tract 2

An easement, now and hereafter, to construct, improve, reconstruct, replace, inspect, repair, maintain, and use a public street, including related and customary uses of street right-of-way such as sidewalk, bike path, sanitary sewer, storm drain, water supply, cable television, electric power and telephone transmission purposes in, upon and across the property of the Grantors described in an instrument recorded in Deed Book 2168, Page 473, Wake County Registry, the area subject to this easement being more particularly described as follows:

Beginning at a point, said point being in a common property line between the land of North Boulevard Industrial Park and that of Ralph K. Ingram and being 483.019 feet to the south 63 deg. 07 min. 45 sec. east from the south west corner (control point) of the North Boulevard Industrial Park property; thence north 40 deg. 53 min. 17 sec. east 52.032 feet to a point on tangent; thence northerly along an arc length having a radius of 1,032.455 feet a distance of 1,067.569 to a point on tangent; thence north 18 deg. 21 min. 23 sec. west 291.98 feet to a point in the eastern property line of land owned by Bruce D. Robertson; thence along said property line north 27 deg. 30 min. 30 sec. east 111.42 feet to a point; thence south 18 deg. 21 min. 23 sec. east 369.57 feet to a point on tangent; thence southerly along an arc length having a radius of 1,112.455 feet a distance of 1,150.29 feet to a point on tangent; thence south 40 deg. 53 min. 17 sec. west 32.033 feet to a point in the aforesaid common property line; thence along said property line north 63 deg. 07 min. 45 sec. west 82.439 feet to the point and place of beginning. Further reference is made to a map prepared by CITY OF RALEIGH DEPARTMENT OF CENTRAL ENGINEERING, entitled Atlantic Avenue R/W ACQUISITION, dated 12-7-83, and recorded in Book of Maps _____, at Page _____, in the office of the Register of Deeds for Wake County, North Carolina.

Together with the temporary easement necessary for the construction of slopes for cuts and fills upon the property immediately adjacent, on both sides of the above-described permanent easement area, the public street to be graded the entire width of the permanent easement, and the necessary slopes for cuts and fills to be constructed outside of the easement. Following construction of the street, all temporary easement for slopes of cuts and fills to the City shall cease, and the landowners may make all lawful uses of the property, provided there be no damage to the subjacent support of the public street.

REAL PROPERTY EXCHANGE - LASSITER MILL ASSOCIATES - WITHDRAWN FROM THE AGENDA

On December 6, 1983, several actions occurred relating to development of property owned by Lassiter Mill Associates. One of the items was the exchange of property as outlined in the resolution included in Council Members' Agenda packet. Proper advertising has occurred, therefore, it would be appropriate to consider adoption of a resolution authorizing the exchange of the real property.

The City Clerk indicated she would request that this item be withdrawn from the Agenda as there are still some items that need to be worked out before this action is taken. Without objection, the item was withdrawn.

PRELIMINARY ASSESSMENT ROLLS - VARIOUS LOCATIONS - RESOLUTIONS ADOPTED

The following preliminary assessment rolls were presented. It was recommended that the assessment rolls be adopted which would set a public hearing to consider confirmation of costs during the May 1, 1984, Council Meeting:

Sewer AR 1008 - Installation of sanitary sewer main in Brookhaven-Deblyn Park vicinity.

Water AR 1009A - Installation of 12-inch water main in Creedmoor Road from Leesville Road northward to City limits - outside the City limits.

Water AR 1009 - Installation of water main in Creedmoor Road from Lynn Road southward to City limits.

Mr. Keller moved adoption of the preliminary assessment rolls as outlined. His motion was seconded by Mr. Congleton and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 474

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

SEWER ASSESSMENT ROLL NO. 1008

WHEREAS, by Resolution No. 1980-402 adopted by the City Council on December 9, 1980 the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

Installation of approximately 22,400 linear feet of sanitary sewer mains in Brookhaven - Deblyn Park vicinity as shown on map drawn by John A. Edwards and Company, entitled, "Proposed Sanitation Sewer to Serve Brookhaven - Deblyn Park" overall layout - Section 2.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $272,879.21.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvements. The basis for assessment is the commercial lots, not within Brookhaven - Deblyn Park, on a per lineal foot basis; that Deblyn Park and Brookhaven be assessed on a per lot basis with that assessment in the two respective divisions being calculated separately so as to present a different lot assessment for Brookhaven than Deblyn Park, reflective of the relative exposure of the lots to the frontage due to their size and geometry.

Section 4. That the following assessments are hereby declared against abutting property as follows: according to the average cost as determined by the City Council under authority contained in Chapter 315 of the North Carolina Session Laws, 1963.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	AMOUNT ASSESSED
Richard & Ruth Haws	1	0029500	1	1,182.00
Benjamin & Mary Best	2	0005981	2	1,182.00
Arthur & Mary Kilmartin	3	0039074	3	1,182.00
Robert & Linda Norris	4	0075323	4	1,182.00
Coggins Construction Co.	5	0043253	1	1,182.00
Charles & Peggy Hawks	6	0034899	2	1,182.00
Herbert & Frances Bickley	7	0006116	3	1,182.00
Coggins Construction Co.	8	0043254	4	1,182.00
Frankie & Dorothy Chin	9	0026013	5	1,182.00
Thomas & Katherine Vick	10	0072797	6	1,182.00
Paul & Margaret Byrd	11	0010789	7	1,182.00
Wayne & Elizabeth Tyner	12	0071862	8	1,182.00
Clifton & Gertrude Craig	13	0015522	9	1,182.00
Coy & Mary Brown	14	0008923	10	1,182.00
Lois Pait Berly	15	0005921	1	1,182.00
Thomas & Miriam Hobgood, Jr.	16	0031510	2	1,182.00
James & Dorothy Rackley	17	0058032	3	1,182.00
R. Kenneth & Elizabeth Barnhill	18	0042277	4	1,182.00
Shirley C. Alvis	19	0001719	3	1,182.00
Bertha J. Earp	20	0019782	4	1,182.00
John H. & May Nelson	21	0050544	5	1,182.00
Thomas & Tiare Farris	22	0079789	12	1,182.00
Robert & Dianna Morgan	23	0035682	13	1,182.00
Vernon & Lucille Lamm	24	0040261	14	1,182.00
Myrtle J. Prince	25	0020699	15	1,182.00
Coggins Construction Co.	26	0043261	16	1,182.00
Robert & Virginia Younce	27	0080393	17	1,182.00
Vivian E. Edwards	28	0020378	18	1,182.00
Robert & Lida Barnes	29	0004502	19	1,182.00

Aida B. Stone	30	0049762	20	1,182.00
Christa E. Brians	31	0016526	21	1,182.00
J. Paul & Joycelyn O. Morgan	32	0048984	22	1,182.00
Robert & Grace Hale	33	0027688	23	1,182.00
Jiang & Tsu-Yunn Luh	34	0043035	24	1,182.00
Vernon & Callie Jackson	35	0035005	25	1,182.00
Gustave & Flossie Schild, Jr.	36	0057529	26	1,182.00
Paul & Pansy Holder	37	0031977	27	1,182.00
David & Hallie Small	38	0064507	6-Pt. 7	1,182.00
Coggins Construction Co.	39	0043251	8-Pt. 7	1,182.00
Jerry & Faye Richmond	40	0030227	9	1,182.00
Michael & Sarah Wilson	41	0078430	10	1,182.00
Harold B. Sauls	42	0062417	11	1,182.00
Leonide & Kathleen Toussaint	43	0049159	12	1,182.00
Harry & Ruth Chalberg	44	0013372	13	1,182.00
William & Mildred Webb	45	0075331	14	1,182.00
Cynthia G. Warner	46	0012413	15	1,182.00
Hal & Grace Thompson	47	0070357	16	1,182.00
Phillip & Gale Culbertson	48	0046969	1	1,182.00
Avery & Margaret Upchurch	49	0043252	2A	1,182.00
Avery & Margaret Upchurch	50	0043252	4A	1,182.00
Edwin & Mildred Davis	51	0016890	6	1,182.00
Melvin & Joyce Burns	52	0010438	7	1,182.00
Edwin & Myrtle Morris	53	0049158	8	1,182.00
Matilda W.M. Obriant	54	0051816	9	1,182.00
Douglas & Eleanor Taylor	55	0069480	10	1,182.00
James & Cassie Glover	56	0025309	11	1,182.00
James T. & Mary Jones	57	0005190	12	1,182.00
Coggins Construction Co.	58	0043260	11	1,182.00
Coggins Construction Co.	59	0043259	10	1,182.00
Coggins Construction Co.	60	0043258	9	1,182.00
Coggins Construction Co.	61	0043263	8	1,182.00
Coggins Construction Co.	62	0043257	7	1,182.00

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	AMOUNT ASSESSED
Dewey & Shirley Mangum	63	0043256	6	1,182.00
John & Kay Drum	64	0016104	2	1,182.00
Coggins Construction Co.	65	0043255	1	1,182.00
Piney Grove AME Church	66	0110769	--	1,182.00
B.C. Properties	67	0080320	4	1,182.00
Melvin & Gladys Harrod	68	0029090	3	1,182.00
Winfield & Arlene Fisher, Jr.	69	0003558	2	1,182.00
John & Margie Stiver	70	0034747	1	1,182.00
Stephen & Karen Sheriff	71	0069429	99	1,531.99
David & Jerry Stuart	72	0017813	95	1,531.99
James & Karen Edwards	73	0020247	96	1,531.99
Rachel G. Zeliff	74	0080732	97	1,531.99
Sue Anne Henderson	75	0024696	80	1,531.99
E. Worth & Veronica Warner, Sr.	76	0074323	72	1,531.99
Alfred & Christine Carlton, Jr.	77	0033522	71	1,531.99
James & Cynthia McEnery	78	0038777	70	1,531.99
Warren & Gloria Newman	79	0060678	69	1,531.99
Robert & Frances Walker	80	0073517	62	1,531.99
Walter & Peggy Voigt	81	0083115	98	1,531.99
Walter & Peggy Voigt	82	0072884	94	1,531.99
Rodney & Rachel Williams	83	0077865	93	1,531.99
Exum & Nancy Kirby	84	0039539	92	1,531.99
Gene & Guinevere Crow	85	0046872	91	1,531.99
Larry & Betsy Watson	86	0025974	90	1,531.99
Fred & Aileen Tarver	87	0069395	81	1,531.99
Donna M. Blackman	88	0042539	82	1,531.99
Frederick & Adelaide Smetana	89	0064549	83	1,531.99
Mable M. Moore	90	0048696	84	1,531.99
Charles & Helen Couns	91	0015207	85	1,531.99
Charles & Helen Couns	92	0015208	86	1,531.99
Carolyn D. Pollard	93	0033637	87	1,531.99
George & Sue Kaloyannides	94	0062025	88	1,531.99

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	AMOUNT ASSESSED
William & Mary Hales	95	0011585	89	1,531.99
Charles & Margaret Barham, Jr.	96	0004268	59	1,531.99
Alan & Nancy McGee	97	0018627	60	1,531.99
Hardy & Daisy Radford, Jr.	98	0058056	61	1,531.99
Martha C. Elkins	99	0020548	79	1,531.99
William & Mary Knapp	100	0040345	78	1,531.99
Allen & Anne Clapp	101	0031011	77	1,531.99
Roy & Jane Purser Jr.	102	0057834	76	1,531.99
David & Margaret McLarry	103	0064053	75	1,531.99
J. Michael & Gloria Wilson	104	0005108	74	1,531.99
James R. Vercoe	105	0072741	73	1,531.99
David & Josephine Dixon	106	0018414	58	1,531.99
Harold & Mary Snipes	107	0060818	57	1,531.99
James & Ann Marie Sineath	108	0064292	56	1,531.99
Edward & Marie Clark	109	0013268	55	1,531.99
Richard T. & Ethel Mayes	110	0045157	54	1,531.99
Leon & Rose Hollingsworth	111	0032444	53	1,531.99
Henry & Mariam Brown	112	0009009	52	1,531.99
Harriet J. Ferraro	113	0043541	51	1,531.99
William & Nancy Jordan	114	0057212	29	1,531.99
David & Joyce Thomas	115	0037484	30	1,531.99
John & Virginia Stephenson, Jr.	116	0067499	31	1,531.99
Phillip & Marie Barnet	117	0004546	32	1,531.99
Mary K.G. DeMaria	118	0027157	63	1,531.99
Michael & Judith Pandich	119	0052719	64	1,531.99
John & Martha Gould	120	0025887	65	1,531.99
John & Nancy Monroe Jr.	121	0034661	66	1,531.99
Garland & Julie Kincheloe	122	0039112	67	1,531.99
Leslie & Marie Smith	123	0065304	68	1,531.99
Charles & Camilla Law, Jr.	124	0041123	5	1,531.99
Ernest & Jean Hicks	125	0030496	47	1,531.99
Joseph & Betty Gillespie	126	0025042	46	1,531.99

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	AMOUNT ASSESSED
Stephen & June Fowler	127	0023214	45	1,531.99
Lehman H. Johnson Jr.	128	0036128	44	1,531.99
Roger & Shirley Greenhalgh	129	0002285	50	1,531.99
Louise F. Tippett	130	0070874	49	1,531.99
Dan S. Thompson	131	0070316	48	1,531.99
Oscar & Ruth Miller	132	0047334	19	1,531.99
James & Martha Welch	133	0079909	42	1,531.99
W. Fred & Katherine Hamlin	134	0028040	43	1,531.99
Grady & Elizabeth Cooper, Jr.	135	0014756	33	1,531.99
C. Douglas & Christine Holland	136	0032106	41	1,531.99
George & Dorothy Leier	137	0058452	40	1,531.99
Theodore & Bobbie McCullen	138	0045570	39	1,531.99
Ronald & Mary Kuhr	139	0061222	38	1,531.99
Edythe Amelie Daskam	140	0008390	37	1,531.99
Natalie E. Bookstaver	141	0007042	36	1,531.99
Royce & Margaret Van Kuren	142	0030323	35	1,531.99
Aldon & Patricia Delancey	143	0043146	34	1,531.99
David & Nancy Beard	144	0005240	14	1,531.99
Jack & Louise Harmon, Sr.	145	0043310	13	1,531.99
Buford & Lucy Dixon	146	0018393	12	1,531.99
Betty P. Gregson	147	0030790	11	1,531.99
Hal & Grace Thompson	148	0070356	10	1,531.99
Clyde S. Griffis	149	0026741	9	1,531.99
William & Patricia Ogden	150	0003523	8	1,531.99
Ronald & Lana Williams	151	0077876	7	1,531.99
Carol Jo Lawhon	152	0040855	6	1,531.99
Edgar & Ethal Boone	153	0007054	4	1,531.99
Frank & Patricia Day	154	0017292	3	1,531.99
Robert & Margaret Ramseur	155	0018083	2	1,531.99
S. P. Holding, III	156	0032042	1	1,531.99
Colbert & Loretta Howell	157	0042681	16	1,531.99

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	AMOUNT ASSESSED
Morris & Geneva Moorefield	158	0048885	17	1,531.99
Thomas & Delores Haizlip	159	0027660	18	1,531.99
Norman & Cecelia Evans	160	0021668	20	1,531.99
James & Elizabeth Fowlkes	161	0080507	21	1,531.99
Owen & Doris Walker, Jr.	162	0073509	22	1,531.99
Sandra King Adams	163	0038678	23	1,531.99
George & Blanche Willouchby	164	0078171	24	1,531.99
Hunter & Adair Hadley	165	0027468	25	1,531.99
Jack & Sue Robertson	166	0060500	26	1,531.99
Willis L. & Eloise Woodall	167	0079314	27	1,531.99
Gertrude E. Larsen	168	0057025	28	1,531.99

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	PROPERTY FRONT. ASSESSED	AMOUNT ASSESSED
Henry & Jewel Frye	169	0023667	-	997.45	10,952.00
William C. Vick Construction Co.	170	0049568	-	475.04	5,215.94
Broad Reach Investments	171	0020336	4	432.25	4,746.10
Hare Snipe Company	172	0019942	3	270.03	2,964.93
Travelers Oil Company, Inc.	173	0071148	-	200.00	2,196.00
Golden Corral Corporation	174	0020306	2	254.42	2,793.53
Margaret G. Edwards	175	0020344	1	663.35	7,283.58
The Ashwer Company	176	0002415	-	350.83	3,852.11

Section 5. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually in the unpaid balance of the assessment.

Section 6. That this Assessment Roll No. 1008 is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 7. That a public hearing will be held on the 1st day of May, 1984 at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 8. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 3/20/84

RESOLUTION NO. (1984) 475

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

WATER ASSESSMENT ROLL NO. 1009A

WHEREAS, by Resolution No. 1982-49 adopted by the City Council on October 5, 1982, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed: installation of approximately 3,000 linear feet of 12-inch ductile iron water main in Creedmoor Road from Leesville Road northward to City Limits.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $46,423.06.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvements. The basis for assessment is front footage.

Section 4. That the following assessments are hereby declared against abutting property as follows: according to the average cost as determined by the City Council under authority contained in Chapter 315 of the North Carolina Session Laws, 1963.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	FRONTAGE ASSESSED	AMOUNT ASSESSED
Roman Catholic Diocese of Raleigh	1	0021867	-	1,081.10	$9,967.74
Wachovia Bank & Trust Company, Trustees	2	0049299	-	568.0	5,236.96
Gary D. Oyster	3	0061513	-	126.0	1,161.72
Creedmoor Rd. Baptist Church	4	0090693	-	621.0	5,725.62
Newton C. & Lucy Ferguson	16	0021914	-	59.24	546.19
Newton C. & Lucy Ferguson	17	0021909-10	82-85	200.0	1,844.00
Morris & Lillie Ahl	18	0021886	78-81	200.0	1,844.00
J.J. & Delle Lynn	19	0043220	76-77	100.0	922.00
E.R. Nipper	20	0050887	74-75	100.0	922.00
Edwin & Clora Averette	21	0002794	72-73	100.0	922.00
Nelson B. Fitts	22	0022504	70-71	100.0	922.00
Estelle Edwards	23	0020162	67-69	150.0	1,383.00
Dale M. Gardner	24	0090275	65-66	100.0	922.00

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	FRONTAGE ASSESSED	AMOUNT ASSESSED
J.T. Turner	25	0071660	61-64	230.2	2,122.44
Josephine Watson	26	0074859	52-60	470.0	4,333.40
P.V. & Aladine Rogers	27	0061041	48-51	200.0	1,844.00
John S. & Ruth Walton	28	0074025	36-47	629.5	5,803.99

Cost per foot: $9.22

Section 5. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually in the unpaid balance of the assessment.

Section 6. That this Assessment Roll No. 1009A is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 7. That a public hearing will be held on the 1st day of May, 1984, at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 8. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 3/20/84

RESOLUTION NO. (1984) 476

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

WATER ASSESSMENT ROLL NO. 1009

WHEREAS, by Resolution No. 1982-49 adopted by the City Council on October 5, 1982, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

Installation of approximately 2,000 linear feet of twelve-inch ductile iron water main in Creedmoor Road from Lynn Road southward to City Limits.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $33,536.55.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvements. The basis for assessment is front footage.

Section 4. That the following assessments are hereby declared against abutting property as follows: according to the average cost as determined by the City Council under authority contained in Chapter 315 of the North Carolina Session Laws, 1963.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	FRONTAGE ASSESSED	AMOUNT ASSESSED
Wake Co. Bo. of Educ.	5	0102478	-	944.10	$8,704.60
Gladys W. Moore	6	0077850	-	86.0	792.92
Worth Jenkins, Heirs	7	0035449	-	90.0	829.80
George Sutton	8	0068989	-	90.0	829.80
Willie Liggett	9	0042047	-	135.0	1,244.70
Vincent & Beverly Struble	10	0050657-8	-	135.0	1,244.70
Minnie P. Bridges	11	0095186	-	70.0	645.40
Minnie P. Bridges	12	0053926	-	70.0	645.40
Minnie P. Bridges	13	0053927	-	44.86	413.61
Fonville-Morisey of Six Forks, Inc.	14	0119046	B	109.49	1,009.50
F.M.R. Company	15	0034350	C	16.83	155.17
Ural Grissom & Wife Hattie H.	29	0026862	1	110.5	1,018.81
Sanford L. Holding & Wife Lillie H.	30	0032046	2	138.0	1,272.36
George Snelling & Wife Mae Pearl	31	0065834	3	142.0	1,309.24
Mae Pearl Snelling	32	0065839	-	29.92	275.86
George Snelling & Wife Mae Pearl	33	0065833	-	100.0	922.00
Bettie Gloss	34	0013597	-	100.0	922.00
Development Associates, Inc.	35	0118059	8	15.0	138.30
Development Associates, Inc.	36	0118208	9	140.0	1,290.80
Development Associates, Inc.	37	0118060	10	141.0	1,300.02
Development Associates, Inc.	38	0118061	11	83.76	772.27
The Koger Co.	39	0119895	-	845.91	7,799.29

Section 5. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually in the unpaid balance of the assessment.

Section 6. That this Assessment Roll No. 1009 is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 7. That a public hearing will be held on the 1st day of May, 1984 at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North

Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 8. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 3/20/84

TAX REBATES AND/OR REFUNDS - RESOLUTIONS ADOPTED

Council Members received in their Agenda packet three proposed resolutions relating to tax rebates and/or refunds which are recommended for adoption. Approval is also recommended for the list as submitted by the Wake County Tax Supervisor for refunds made during December for clerical error purposes. Mr. Congleton moved adoption of the resolutions and listing as recommended. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 477

A RESOLUTION ADJUSTING, REBATING OR REFUNDING PENALTIES AND RELIEVING INTEREST FOR LATE LISTING OF PROPERTY FOR AD VALOREM TAXES

WHEREAS, pursuant to G.S. 105-331, a 10% penalty was assessed against the property owners listed below for failure to list their taxable property during the regular listing period; and,

WHEREAS, each of said property owners has shown to the satisfaction of the City Council that their failure to list on time was excusable; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 10% penalty assessed against the property of the following named persons be and the same is hereby adjusted, rebated or refunded as shown:

YEAR	TAXPAYER	ACCOUNT NO.	TAX VALUE	RECOMMENDATION
1984	American Hairlines, Ltd.	01-7-5256505	$ 5,648	Relieved
1984	Satyapal S. & Nirmal Arya	01-2-0094125	2,399	Relieved
1984	H. Scott & Angie S. Bolin	01-2-0083482	50,907	Relieved
1984	Kathryn Allyson Brinkley	01-7-5256499	2,286	Relieved
1984	Kathryn Allyson Brinkley	01-7-5256496	1,778	Relieved
1984	Kathryn Allysom Brinkley	01-7-5256493	1,491	Relieved
1984	Kathryn Allyson Brinkley	01-7-5256490	1,678	Relieved
1984	Thelma L. Brummett	01-2-0078522	5,824	Relieved
1984	William P. & Mary G. Campbell	01-2-0049737	18,701	Relieved
1984	Robert E. Dietz, Jr. & Linda A.	07-2-0114044	5,904	Relieved
1984	James E. Easley, Jr. & Wanda T.	01-2-0116299	7,081	Relieved
1984	Mary Elaine Evan Traer	01-2-0026150	3,458	Relieved
1984	James M. Fatata	01-2-0002690	7,450	Relieved
1984	James R. & Annette G. Gambrell	01-2-0004095	4,243	Relieved
1984	George W. Giles	01-2-0024944	12,829	Relieved
1984	Rolf D. & Melissa C. Joerger	01-2-5256426	1,460	Relieved
1984	Martha K. Keravouri	01-2-0029618	5,929	Relieved
1984	Wallace Hines Kirby	01-2-5056519	11,010	Relieved
1984	Charles S. L. Kirk	01-1-5248973	11,800	Relieved
1984	Armand M. & Anne G. Kranick	01-2-0040844	3,440	Relieved
1984	Robert William Lehrer	01-2-0053412	1,142	Relieved
1984	Grady Wayne & Carole Mabe	01-2-0008020	9,346	Relieved
1984	Robert M. & Norma J. Matthews	01-2-0026918	6,994	Relieved
1984	James Samuel & Carol L. McKnight	01-2-0025701	21,842	Relieved
1984	Karen H. Miller	01-2-0085677	9,522	Relieved
1984	Billye Miller Miltz	01-2-5848864	1,060	Relieved
1984	Benjamin W. Pardus	13-2-5256435	6,450	Relieved
1984	Evelyn S. Pittman	01-2-0055669	1,332	Relieved
1984	Ruth B. Purser	01-2-0057833	1,876	Relieved
1984	Ernest D. & Jacqueline M. Ransdell	01-2-0003689	9,812	Relieved
1984	James D. Ridenour	01-2-5855384	7,870	Relieved
1984	S & S Leasing Company	13-1-5256481	107,310	Relieved
1984	Tadao Sakai	01-2-5256438	4,420	Relieved

YEAR	TAXPAYER	ACCOUNT NO.	TAX VALUE	RECOMMENDATION
1984	Richard Nelson & Susan E. Scott	01-2-0126168	9,923	Relieved
1984	Roger A. & Emily W. Smith	01-2-0065539	9,281	Relieved
1984	Douglas J. Swanek	13-2-5256441	5,470	Relieved
1984	Betty McQueen Tysinger	01-2-0119965	5,123	Relieved
1984	V. R. Venkataramana	07-2-5256447	8,850	Relieved
1984	Gerald D. Vidaleno	13-2-5258812	9,420	Relieved
1984	Paul M. Zipin	07-2-0092352	4,803	Relieved

Section 2. That the following requests for relief be denied:

YEAR	TAXPAYER	VALUE
1984	David Earl Allen, Jr. & Janet P.	$ 3,008
1984	Sabra G. Callas	5,250
1984	Carolina Typewriter Company	67,801
1984	Teresa A. Cashwell	4,200
1984	Innovative Design, Inc.	62,226
1984	Ora Lee Jones	3,060
1984	Ora Lee Jones	2,205
1984	Rodney M. McGhee	12,906
1984	Marshall E. Sprague	1,580
1984	Richard L. Tyson	13,480
1984	Chen Yui Yang	380

Section 2. That the City/County Tax Collector and/or the City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

Adopted: 3/20/84

RESOLUTION NO. (1984) 478

A RESOLUTION REFUNDING TAXES AS SET FORTH HEREIN

WHEREAS, the proper tax authority of the City of Raleigh has reported to the City Council that certain taxes appearing upon the tax records of the City of Raleigh, listed below, should be refunded for the reasons given; and

WHEREAS, the City Council finds as a fact that the reason in each instance for the refund of the tax is true, and that the same should be allowed; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following taxes heretofore assessed be and the same ordered refunded as may be indicated below:

YEAR	TAXPAYER	ACCOUNT NO.	AMOUNT OF REFUND	REASON FOR REFUND
1983	Action Plus Inc.	07-1-5239670	$ 71.61	Illegal Billing
1981	Barclays American Leasing Inc.	01-7-5745371	55.70	Illegal Billing
1983	Bumpers, Arnold Lee & Livia C.	01-8-5405845	151.53	Illegal Billing
1983	Callis, Allen K.	01-2-5209565	60.01	Illegal Billing
1982	Clifton, Mozelle Langdon	01-2-5752086	11.99	Illegal Billing
1983	Crater, William Robert	01-2-5753427	67.77	Illegal Billing
1983	Dalton, Beverly Kim	01-2-5177958	65.46	Illegal Billing
1983	Depoy, Julian G.	01-1-5182673	64.29	Illegal Billing
1983	Droessler, Earl George	01-2-5411050	7.52	Illegal Billing
1983	GMAC Leasing Corp.	01-1-5219085	90.44	Illegal Billing
1983	Healthways, Inc.	01-1-5248125	202.42	Illegal Billing
1983	Phillip J. & Dorothy Hinton	01-2-0049961	17.89	Illegal Billing
1982	Phillip J. & Dorothy Hinton	01-2-0049961	17.70	Illegal Billing
1981	Phillip J. & Dorothy Hinton	01-2-0049961	17.51	Illegal Billing
1983	Keller Inc., Whiting	01-1-5421845	96.88	Illegal Billing
1983	Kelley, Joseph J. & Laura E.	01-2-0038708	429.02	Illegal Billing
1983	Knotts, Alvis Lindsey	01-2-5422492	5.64	Illegal Billing
1983	Mull, Kirby Michael	01-2-5237310	37.83	Illegal Billing
1983	N. C. National Bank	01-1-5035171	280.07	Illegal Billing
1982	N. C. National Bank	01-1-5035171	123.74	Illegal Billing
1981	N. C. National Bank	01-1-5035171	352.51	Illegal Billing
1983	Palcic, Cynthia Davis	11-2-5430374	60.40	Illegal Billing
1983	Pope, Ernest D. & Carolyn R.	16-2-0056438	40.19	Illegal Billing
1983	Renz, Curtis Roberts	01-2-5433989	58.84	Illegal Billing
1982	Seberry, Carolyn T.	01-2-5857417	43.18	Illegal Billing

YEAR	TAXPAYER	ACCOUNT NO.	AMOUNT OF REFUND	REASON FOR REFUND
1982	Stone, Elizabeth W.	01-2-0068041	2.82	Illegal Billing
1983	Wells, Hugh A. & Anne H.	01-2-0075534	69.07	Illegal Billing
1982	Wiggs, Charles P. & Verna	16-2-5032603	56.17	Illegal Billing
1983	Wilder, Richard B.	17-1-5211758	31.64	Illegal Billing

Section 2. That the City/County Tax Collector and City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the Raleigh City Council.

Adopted: 3/20/84

RESOLUTION NO. (1983) 479

A RESOLUTION APPROVING TAX EXEMPTION AS DESCRIBED

WHEREAS, pursuant to N. C. General Statutes 105-275(10) & (11) exemption from taxation was available for the property owners, listed below; and,

WHEREAS, each of said property owners has shown to the satisfaction of the City Council that their failure to request relief in a timely manner was excusable; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following be approved for exemption from taxation:

YEAR	TAXPAYER	AMT. OF VALUE	RECOMMENDATION
1984	Majestic Distilling Co., Inc.	$25,431	Exemption Approved
1983	Majestic Distilling Co., Inc.	58,427	Exemption Approved
1983	St. Pius X Society	2,750	Exemption Approved

Section 2. That the City/County Tax Collector and City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

Adopted: 3/20/84

TELECOMMUNICATIONS TOWER - 5721 CHAPEL HILL ROAD - PUBLIC HEARING AUTHORIZED; CITY CLERK AUTHORIZED TO SET HEARINGS ON SUBSEQUENT APPLICATIONS

The City Clerk reported a petition has been received for the construction of a telecommunications tower at 5721 Chapel Hill Road. It would be appropriate for the Council to authorize a public hearing for the April 3, 1984, Council meeting. Mr. Congleton move authorization of the public hearing as requested. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

The City Clerk indicated when she receives an application for a telecommunications tower, first she has to come to the City Council and ask permission to set the public hearing. She stated a public hearing has to be held, and in order to save time, she would suggest the possibility of the Clerk being directed to go ahead and set up a public hearing as soon as the application is received. By general consensus, this was agreed to.

ADJOURNMENT

There being no further business, Mayor Upchurch announced the meeting adjourned at 5:50 p.m. to be reconvened at 7:00 p.m.

Gail G. Smith
City Clerk

cmc/IBMIRD/IBM/1

The City Council of the City of Raleigh met in regular reconvened meeting on Tuesday, March 20, 1984, at 7:00 p.m. in the City Council Chambers of the Municipal Building with the following present:

Mayor Upchurch, Presiding
Ms. Babb
Ms. Block
Mr. Calloway - absent and excused
Ms. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order and welcomed the third grade class from Brentwood Elementary School. The following items were discussed with action taken as shown.

REQUESTS AND PETITIONS OF CITIZENS

CABLEVISION CONCERNS - REFERRED TO TELECOMMUNICATIONS COMMISSION

Wesley Williams, representing the Raleigh Merchants Bureau and other interested persons, had requested permission to make a presentation regarding problems relating to the cable franchise. Mr. Williams presented the following prepared statement:

In July of 1982, representatives of the Raleigh business community began urging members of the Raleigh City Council not to award a cable franchise which would permit the scrambling of basic, non-premium TV channels. The hazards of such action were made known to members of the Council long before the expiration date, June 30, 1983, of the franchise then effective with ATC. Unfortunately, we were not successful in our effort to prevent many problems which are now becoming evident in the new franchise agreement. We were told quite frankly by some members of the Council, as early as June of 1983, that the votes were present to award a franchise to ATC which would permit the scrambling of basic channels. We were told by members of the Council that they recognized the problems and would address them after the franchise was awarded by an amendment to the franchise. Quite candidly, some members of the Council told us they were weary over the long cable franchise saga and wanted to award a franchise without further delay.

In review of the many problems which have been created by the existing franchise, we are asking you to exercise the City's right as quoted below from Ordinance No. (1983) 121:

"ADDITIONAL CITY RIGHTS IN FRANCHISE.

(a) The City may from time to time, add to, or modify or delete provisions of this Ordinance as it shall deem necessary in the exercise of its regulatory powers provided that such additions or provisions are reasonable and in keeping with the public interest and welfare. Such additions or revisions shall be made only after a public hearing for which the Grantee shall have received written notice at least thirty (30) days prior to such hearing."

We respectfully request that you adopt an amendment to the existing franchise which would prohibit the scrambling of basic channels (non-premium channels). We submit below some of our reasons for making such a request:

BENEFITS OF NOT SCRAMBLING BASIC CHANNELS (ALL NON-PREMIUM CHANNELS)

Protects the investment of consumers who have purchased cable-ready, cable-capable TV sets, video cassette recorders, etc.

Reduces cost to consumers.

Simplifies use of remote control devices at lower cost.

Provides buyers of TV sets with maximum choice of features and restores more fairness to subscribers of cable service.

Reduces damages to manufacturers, distributors, retail dealers, and service shops.

Permits consumers to use video cassette recorders without problems.

Offers City wider opportunities, if pending Federal legislation is enacted, to regulate fees charged by cable operator by increasing first tier - basic channels. (Pending legislation proposes limiting City's authority to regulate fees for basic channels, first tier only.)

Assures hospitals, convalescent homes, rest homes homes for the elderly, hotels and motels cable service without greater costs caused by scrambling basic channels.

Assures cable franchisee better protection against financial loss or lower net profits.

It is our firm belief that the amendment we propose will be in the public interest, including the best interest of the current franchisee. It is not too late to make the change we propose without any unreasonable added expense to the franchisee. We express our willingness to work with any committee or commission you might refer our proposal to for study and recommendation to the Council.

Mr. Williams indicated he has people present tonight qualified to answer any questions the Council may have regarding their presentation including the President of the North Carolina Electrical Service Association, etc.' Approximately 120 people stood in support of Mr. Williams's remarks. Mayor Upchurch indicated we do have a Telecommunication Commission, and he feels that this item should be referred to that. Mr. Walters indicated some of the members of the Telecommunication Commission are in the audience. Without objection, Mr. Williams's remarks were referred to the Telecommunications Commission.

ENCROACHMENT AGREEMENT - 2904 LUCERNE - WITHDRAWN

Jim Farthering had requested permission to discuss an encroachment agreement relating to an unused sanitary sewer easement on his property at 2904 Lucerne Place. The City Clerk indicated this item had been withdrawn.

HILLSBOROUGH STREET - PARKING PROBLEMS - WITHDRAWN

Dr. Joseph Grubbs had requested permission to present a resolution concerning parking on Hillsborough Street. The City Clerk indicated that item has been withdrawn.

ROAD RACE - PULSEBEAT 5-K - APPROVED

John Cashwell, representing the Pulsebeat 5-K Road Race, was at the meeting to request permission to utilize City streets in order to conduct a road race sponsored by Wake County Hospital Systems, Inc., and Miller Lite. He indicated he has been in touch with the Police Department, and he understands he will need to employ two off-duty police officers for security and point control, and the remainder of the intersections will be manned by volunteers. He indicated they do have a doctor who will be on duty, have insurance, etc. He indicated Council members had received information on their route, and the race is scheduled for Saturday, May 12, 1984, at 10:00 a.m. City Manager Benton indicated this race has been conducted for several years without difficult, and in 1984 the race has been shorten and thus, interference with normal traffic will be reduced. He indicated the Police Department has no objections to the race being conducted as planned with the understanding the sponsors will provide all signs, cones, barricades, and employ two off-duty police officers. Mr. Congleton moved approval of the race with the conditions outlined by the Manager. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

MINI-TRIATHLON - UTILIZATION OF CITY STREETS - APPROVED

Jerry W. Leonard was at the meeting to present plans to stage a mini-triathlon and to obtain approval for use of certain City streets for this purpose. He explained the triathlon is scheduled for June 9, 1984, and would begin at 7:30 a.m. He indicated the triathlon is a sequence of swimming, cycling, and running events and proceeds will be given to recycle Raleigh for fuel and food. He indicated the events is scheduled for June 9 and would begin at 7:30 a.m. He stated the activity will center around Silver Lake which is just outside the city and would utilize Avent Ferry and Beryl Road and back to Silver Lake. He indicated this is a good event and the proceeds are for charity. He indicated there are four of these events in North Carolina and the one in Raleigh last year was most successful. He stated last they did limit ages 16 to 73 years of age. He stated they had people with physical handicaps participating, and he is just at the meeting to ask permission to stage this event again. City Manager Benton indicated this event did receive a lot of attention last year, however, it was conducted without difficulty. He stated the Police Department has no objection to the mini-triathlon being conducted as planned provided the sponsors provide 150 traffic cones and will secure the services of 22 police officers for security and point control, one of these officers would be a supervisor. Mr. Leonard indicated he had been in touch with the Police Department and understood these conditions. Mr. Walters moved approval of the event as outlined and with the conditions stipulated by the Manager. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

NORTH CAROLINA ROAD RUNNERS CLUB - UTILIZATION OF CITY STREETS - APPROVED

Jim Young, representing the North Carolina Road Runners Club, was at the meeting to request permission to utilize City streets to conduct two road races in June. The first would be held on June 2 at 6:30 p.m. in the Brentwood area and the second would be on June 23 at 8:30 a.m. in the Holiday Inn north area. He indicated last year the Sunset 5-K raised $3,500.00 for charity and the Road for the Oaks raised $2,000.00 for purchasing oak trees to be planted in the City. He indicated he has worked with the Police Department and is willing to abide by their regulations. City Manager Benton indicated that the first race, the Sunset 5-K, can be conducted without the necessity to employ off-duty police personnel, and the police has no objection to the race being conducted as planned. The second race - Run for the Oaks, was conducted last year without any difficulty. The Police Department has no objections to this being conducted provided the sponsors employ three off-duty police officers for

security and point control. Mr. Congleton moved approval of the races as outlined and with conditions as outlined by the City Manager. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

TAXI PERMIT - APPEAL OF REVOCATION - WITHDRAWN

Thomas W. Ferris had requested permission to appeal the revocation of his taxi permit. Mr. Ferris was not at the meeting, therefore, the item was removed from the Agenda with no action taken.

WATER BILLING PROBLEMS - 712 EAST HARGETT/524 SOUTH BOUNDARY STREET - REFERRED TO PUBLIC WORKS COMMITTEE

Raymond Williams was at the meeting to discuss water billing problems at 712 East Hargett Street and 524 South Boundary Street. He presented Council members with information showing the water bills pointing out he had requested that the water at 524 South Boundary Street be terminated in May of 1983, as the building was closed, however, it was not. He stated he did not use the water so he did not feel responsible. He also presented information on the problem on the Hargett Street address pointing out there were three bills that he did not think were his, as he requested that the water be cut off in January, he went through the bills month by month pointing out the bills had not been paid because he turned the store over to another person. He indicated when he came to the City on another matter, he was told that this bill was $100.00 behind so he told the City to cut that water off, however, it was not cut off until the ninth month, but he has received bills for up to January. Brief discussion took place with it being pointed out these are two complicated items and Administration can check out the details, however, it is felt that it should be studied further in Committee. Without objection, the item was referred to Public Works Committee.

BASKETBALL GOAL - REQUEST TO ENCROACH ON RIGHT-OF-WAY - DENIED

Tracy Temple was at the meeting to request permission to install a basketball goal on the dead end of Bardwell Road. He presented a photo of the dead end street pointing out he wanted to install the basketball goals in order to allow his children to play. Discussion took place on whether there was other locations in Mr. Temple's yard with Mayor Upchurch pointing out we do not allow children to play in the street. He pointed out this has been requested a number of times, but it is against City policy. Ms. Cates questioned how close they were to a City Park with Mr. Temple pointing out it was six blocks from his house to the nearest park. After brief discussion by general consensus, it was agreed to deny the request.

ENCROACHMENT - 126 GLENWOOD AVENUE - APPROVED CONDITIONALLY

A representative of Henry and Company was at the meeting to request permission to encroach over City right-of-way at 126 Glenwood Avenue in order to hang a sign beside the front step. She indicated the sign would be 12' x 18' and would be directly parallel to the existing handrail. She presented a sketch showing the location of the proposed sign and existing stairwell pointing out they want to install a two-faced sign. City Manager Benton indicated the Inspections Department has no objection subject to execution of encroachment agreements so long as all applicable building and sign ordinance regulations are complied with. He indicated the maximum projection from the building is five feet and the minimum height from the sidewalk would be nine feet. Brief discussion took place and by general consensus, it was agreed to allow the encroachments with the conditions outlined by the Manager.

NEWSPAPER STANDS - U.S.A. TODAY TO FURNISH LOCATIONS BY MARCH 30; TEMPORARY PERMIT TO BE ISSUED FOR CERTAIN LOCATIONS WHILE CITY WORKS ON CITING CRITERIA; OTHER NEWS VENDERS TO SUPPLY CITY WITH LOCATIONS

B. J. Pearce, representing U.S.A. TODAY, was at the meeting indicating she was here in response to a letter Public Works Director Baird sent to her client relative to removing the U.S.A. newsstands from the City right-of-ways or requesting a permit. She indicated she was at the meeting to request permission to continue to have the U.S.A. newsstands on the street pointing out she has a letter which she will give to the City Attorney which includes information about their general liability policy, and let the attorney determine if this is adequate. Ms. Pearce indicated they were disturbed in that she understands that U.S.A. TODAY is the only distributor of newspapers being required to obtain a permit for its news racks. Mayor Upchurch indicated this came to the attention of the City Council because of the proliferation of newsstands on the City streets.

City Manager Benton indicated the Public Works Director did notify U.S.A. that the machines had to be properly permitted or removed. He indicated at the February 21 Council meeting, the Council did refer to the Appearance Commission this item and asked them to work on criteria for siting newspaper vender machines and report their recommendation to the Law and Finance Committee. He stated hopefully this could be accomplished soon and maybe the Council could get the information by early May. City Attorney McCormick indicated the letter presented by Ms. Pearce is fine as far as insurance, etc. He stated he did not know what the City Council wanted to do about letting them keep the machines, but pointed out the Appearance Commission is trying to work out some criteria for siting the racks. He indicated even if the City Council allows U.S.A. to keep the machines presently located on the streets, then they would still have to conform with the new regulations. Ms. Pearce indicated her client tells her that as many as twenty machines were removed over the past weekend

leaving sixty to sixty-five machines in the City. She indicated she understood what the attorney is saying in that any permit now would be temporary until the new permitting procedure is adopted. She questioned, though, why U.S.A. was the only one singled out. City Attorney McCormick indicated he understood the News and Observer has had a permit for a number of years. Mr. Congleton pointed out any time a new citizen comes to a community and does something like this - has newspaper racks and located in dangerous situations, it causes concern. He stated he knows there are appropriated places that the racks could be located. He indicated he did not know what the City could do at this point, but he felt the intent of the letter was to address the issue of the newspaper racks being placed in dangerous locations pointing out he knows that some are very inappropriately placed. He stated he feels if the company does appropriate marketing, he does not feel that these machines would be on right-of-ways that get into site problems with intersections and the right-of-way between the sidewalk and curb on busy streets, etc. He stated just because it is a newspaper it does not give them a right to encroach. Ms. Pearce indicated where a municipality has valid safety complaints, they will be happy to relocate the machines. She pointed out in the City of High Point, there were some problems and they met with the City Officials and they pointed out the racks that were a safety problem and so U.S.A. TODAY can be located in other locations. She stated no one wanted to create safety problems, and they would be glad to work with the City on their safety concerns. Ms. Block pointed out the City has worked very hard relating to the sign ordinance and does not even allow political signs on telephone poles, etc., and she sees these news racks chained to telephone poles throughout the City. Discussion took place as to whether newspaper machines have the right to encroach on the right-of-ways with City Attorney McCormick explaining court cases that have occurred. He indicated the newspaper companies do have a right to cite the machines on the right-of-way, but the City can also control where on the right-of-way citing safety reasons, etc.

Ms. Babb indicated, in her opinion, there are really two issues. She stated, as she understands it, U.S.A. TODAY is willing to go through the process of getting a permit now and is willing to conform with siting criteria that is developed by the City. She stated, however, she felt that all of the newspaper vender companies should be treated alike, and if we have ask one company to get permits, all companies should be treated the same. City Manager Benton indicated we are in the process of developing a permit process. After lengthly discussion, City Attorney McCormick suggested that the City Council could go ahead and issue a permit to allow U.S.A. TODAY to keep machines where they are now until the new ordinance is adopted and then they would have to comply with those provisions. He stated, however, they should not be adding new machines. He, again, stated the City cannot prohibit the machines for being on the right-of-way, but some controls on siting could be adopted. Discussion place on various locations with Mr. Congleton pointing out some are located on busy thoroughfares between the curb and the sidewalk, and he has heard that others are located under no parking, no standing, no stopping signs, etc. After other discussions, Mr. Congleton moved that U.S.A. TODAY be required to provide the City with a list of the locations of their boxes by Friday, March 30, 1984, and Administration would look at these locations and indicate to U.S.A. TODAY the locations that are acceptable for the interium period, and that would be there permitting process until policies are established by the City Council for location of all newsstands in the City. His motion was seconded by Ms. Block. This was discussed briefly with Ms. Babb indicating she did not disagree with this, but we have to consider the equity question, and she does not feel that we should single out one entity. She stated she just wanted to be fair. City Manager Benton indicated. the problems came about because U.S.A. TODAY was placing these signs all over the City and in some cases had one on three corners of an intersection, some were chained to telephone poles, traffic signs, etc. Ms. Babb stated she just wanted everyone treated fairly, and if Mr. Congleton would amend his motion to request that other newspaper identify where their racks are located, she would agree. Mr. Congleton and Ms. Block accepted this as a part of the motion, and the motion as amended was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

BICYCLE RACE - CAROLINA VELO CLUB - APPROVED WITH CONDITIONS

Robert Ray, representing the Carolina Velo Club, was at the meeting to get permission to utilize City streets on Sunday, April 29, 1984, to hold a bicycle race in the downtown Raleigh area pointing out they plan to use the same course they used in 1983. He stated the race would run between 11:00 a.m. and 7:00 p.m. He stated he has reviewed the proposed course with the Raleigh Police Department, and he would agree to the conditions outlined by the Police Department. He indicated he had also talked to the Directors of the North Carolina History Museum and the Capital Area Visitors Center, and they have agreed. City Manager Zachary indicated the Police Department has reviewed the request and have no objection to the race being conducted as planned provided the sponsors employ four off-duty police officers for security and point control and provided the sponsors provide, install, and remove the necessary signs, barricades, and cones. Mr. Ray indicated they had no problems with this pointing out the race has been blessed and sanctioned by the Cycling Federation which includes liability insurance. Mr. Congleton moved approval of the race as requested and with the conditions outlined by the City Manager. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

UTILITY REIMBURSEMENT ANCHORAGE FEES - AREA 10 COMBINED WITH AREA 1 AND 20

Andrew S. Martin, representing J. W. York and Company, was at the meeting to request that the City combine geographic Area 10 into Area 1 for the purpose of water utility reimbursement under present and existing and future utility reimbursement contracts.

Attorney Martin indicated Area 1 is about ten times the size of Area 10. He stated his client is prepared to prepay acreage fees in Area 10. He stated they have an existing contract in Area 1 that will expire April 2, and if the combination were to take place before that date, his client would prepay the fees. He stated unless these areas are combined, his client will not have a chance of getting any reimbursement. He stated he was not talking about any windfall of money for the City or anyone. He stated, however, there are good reasons for combining these areas pointing out there are no contracts in Area 10, and no one would be prepaid. He stated they also understand that the larger areas can be administered easier, and it would encourage the larger area development as it would give more people a chance to be reimbursed. City Manager Benton explained the locations in question pointing out Area 10 is unusually small. He indicated that Administration would have no problem with the request, however, would suggest that a small portion of Area 10, located in the Tower Commercial Park, be combined with Area 20 since this area is served by a distribution system connected to the water line on U.S. 64, all of which is in Area 20 with the remainder of Area 10 going to Area 1. Brief discussion took place; after which, Mr. Benton indicated there are no outstanding contracts in Area 10. Mr. Walters moved combining the areas as recommended by the City Manager. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ENCROACHMENT - 128 FAYETTEVILLE STREET MALL - WITHDRAWN

Kenneth Wayne Norris has requested permission to discuss an encroachment to allow the existing canopy/marquee to remain at 128 Fayetteville Street Mall. Mr. Norris was not at the meeting, and the item was withdrawn with no action taken.

ENCROACHMENT - DILLON/MCLEOD BUILDING - APPROVED CONDITIONALLY

Attorney Bill Mann, a partner in the Station Square Associates, was at the meeting to request an encroachment of agreement to allow the Dillon/McLeod Building to remain in its present location. He indicated they have determined that the building encroaches approximately two and a half to three feet into the technical right-of-way of Dawson/-Martin Streets. He indicated the building has been there some eighty years, and they would like permission to legalize the encroachment. He stated they would be glad to add this encroachment to their insurance policy or whatever is needed. City Manager Benton indicated Administration has no problem with the encroachment as long as the appropriate encroachment agreements are executed and as long as all applicable building and sign ordinance regulations are complied with. City Attorney McCormick indicated the applicant is willing to enter into an encroachment agreement and provide appropriate insurance. Ms. Cates moved approval of the encroachment as outlined. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ETJ - REQUEST FOR EXTENSION IN THE SIX FORKS/STRICKLAND ROADS AREAS - REFERRED TO ADMINISTRATION

Michael E. Weddington was at the meeting representing Wachovia Bank and Trust and Company, who is the owner of the northwest quadrant of the Six Forks/Strickland Road intersection. He indicated the land in the other three quadrants is within the City's ETJ, but their corner is outside the City's ETJ. He stated they would like to request the City to extend the ETJ to cover their property and eventually approve the extension of a water line to the area. He indicated a Branch Bank and Trust Company is in the process of constructing a bank at this intersection. He stated there is a well on the adjacent property, and it has a mobile unit that waters this property. City Manager Benton indicated that this is in the county's ETJ at the present time, and they have received a building permit from the county. He stated the applicant came to the City requesting that water service be extended to this area, but the proper procedure would be to extend the ETJ first. He indicated the site is served with a septic tank presently. He stated he feels it would be appropriate to begin the process for an ETJ extension if the Council so desires, and he would recommend that the item be referred to Administration to prepare a report and bring it back to the City Council at the next meeting to start the process.

Ms. Cates questioned if this is in the Falls Watershed pointing out she feels it would be helpful if the staff would show on the Agenda any item that are located in the Falls Watershed. Without objection, the item was referred to Administration.

REZONING - 419 GLENWOOD AVENUE - SPECIAL ZONING HEARING AUTHORIZED

B. H. Jordan, 3700 Vesta Drive and Bruce Haynes 419 Glenwood Avenue were at the meeting explaining that Capital Electronics is on a split zoned lot on Glenwood Avenue. Part of the property is zoned neighborhood/business and the remainder is zoned O&I-I. It was pointed out that Capital Electronics wanted to build an accessory building to replace a utility type trailer on their property. They called the City to determine if the accessory building could be constructed and were told it could be, as the City nor the property owner did not realize the property was split zoned; therefore, the company removed the utility trailer and started grading but was denied a permit when it was determined that part of the property is zoned O&I. It was pointed out they went to the Board of Adjustment, but the the Board of Adjustment no longer has authority over split zoned lots. The property on which Capital Electronics is located as well as the adjacent property both are split zoned, and it was indicated they were at the meeting to request the Council to change the zoning to neighborhood/business all the way through the two properties. Mr. Upchurch indicated the problem or the request actually is to have a special zoning hearing pointing out

even if they file a rezoning request today, it would May before it could be heard under the normal process. Brief discussion took place, after which by general consensus, the Council agreed to schedule a special zoning hearing on April 17, 1984 to consider this application.

UNFIT BUILDINGS AND DWELLINGS UNFIT FOR HUMAN HABITATION

UNFIT/UNSAFE BUILDINGS - VARIOUS LOCATIONS - REPEALED ORDINANCES ADOPTED

Housing Inspections Supervisor Bartholomew indicated Ordinance 1984-285 declared property at 8 South East Street unfit. He indicated the property has been repaired by the property owner, thus, the ordinance as it relates to this location should be repealed. Mr. Congleton moved adoption of the appropriate repealer ordinance. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. 1984 - 309

AN ORDINANCE REPEALING ORDIANCE NO. 1984 - 285 RELATING TO 8 SOUTH EAST STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA THAT:

Section 1. That Ordinance No. 1984 - 285 is hereby repealed in its entirety inasmuch as the property which is the subject of that ordinance has either been repaired or demolished.

Section 2. That a certified copy of this ordinance be recorded in the office of the Wake County Register of Deeds.

Section 3. This ordinance shall become effective upon adoption.

Adopted: March 20, 1984

Effective: March 20, 1984

Mr. Bartholomew indicated Ordinance 1984-267 declared property at 1008 East Jones Street unfit. He pointed out the property has been repaired by the property owner, W. A. Myatt, therefore, that portion of the ordinance should be repealed. Mr. Congleton moved adoption of the appropriate repealer ordinance as outlined by Mr. Bartholomew. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. 1984 - 310

AN ORDINANCE REPEALING A PORTION OF ORDINANCE NO. 1984 - 267 RELATING TO THE PROPERTY OF W.A. MYATT LOCATED AT 1008 EAST JONES STREET, RALEIGH, NORTH CAROLINA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That part of Ordinance No. 1984 - 267 relating to the property of W. A. Myatt located at 1008 East Jones Street and directing that the dwelling thereon be placared or demolished is hereby repealed.

Section 2. It is the intent of this ordinance that no other portion of said Ordinance No. 1984 - 267 be effected in any manner whatsoever by the adoption of this ordinance.

Section 3. That a certified copy of this ordinance be recorded in the office of the Wake County Register of Deeds.

Section 4. This ordinance shall be effective March 20, 1984.

Adopted: March 20, 1984

Effective: March 20, 1984

Mr. Bartholomew indicated Ordinance 1983-238 declared property at 427 Alston Street unsafe. He indicated the Housing Authority has acquired this location and is demolishing the dwelling, therefore, the appropriate repealer ordinance should be adopted. Mr. Congleton moved adoption of the appropriate repealer ordinance relating to 427 Alston Street. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. 1984 - 311

AN ORDINANCE REPEALING ORDINANCE NO. 1983 - 238 RELATING TO PROPERTY AT 427 ALSTON STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA THAT:

Section 1. That Ordinance 1983 - 238 is hereby repealed in its entirety inasmuch as the property which is the subject of that ordinance has either been repaired or demolished.

Section 2. That a certified copy of this ordinance be recorded in the office of the Wake County Register of Deeds.

Section 3. This ordinance shall become effective upon adoption.

Adopted: March 20, 1984

Effective: March 20, 1984

MATTERS SCHEDULE FOR PUBLIC HEARING

PUBLIC NUISANCE COST CONFIRMATION - 2511 GARNER ROAD - HEARING - RESOLUTION ADOPTED

This was hearing to consider adoption of a resolution confirmation cost of $158.00 for abating public nuisances at 2511 Garner Road in the name of Mr. and Mrs. James W. Allison, Jr. The Mayor opened the hearing, no one asked to be heard, thus the hearing was closed. Mr. Congleton moved adoption of the confirming resolution as outlined. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1984 - 480

A RESOLUTION ASCERTAINING AND COMPUTING THE TOTAL COST OF ABATING CERTAIN NUISANCES IN THE CITY OF RALEIGH, CONFIRMING THE SAME AND ASSESSING THE COST OF ABATEMENT AGAINST THE PROPERTY ON WHICH THE NUISANCE EXISTED

WHEREAS, the City Council of the City of Raleigh, pursuant to Chapter 160A of the General Statutes and Sections 2.14(33), (51), 22-51 and Sections 6.35 and 6.36 of the Charter of the City of Raleigh (Chapter 1184 of the 1949 Session Laws of North Carolina as amended) has the authority to prevent, abate and declare unlawful nuisances and to make the cost of said abatement a lien against the premises where the nuisances existed; and,

WHEREAS, pursuant to said Statutes the City Council of the City of Raleigh has adopted Part 12, Chapter 6 of the Code of the City of Raleigh, relating to the abatement of nuisances; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the nuisances as set out herein have been abated at the cost set out herein, pursuant to the Code of the City of Raleigh and more specifically Part 12, Chapter 6.

Section 2. That the City Council of the City of Raleigh hereby confirms the cost of abatement of the nuisances set out herein, pursuant to the General Statutes above referred to and makes the same a lien against the premises as provided in Part 12, Chapter 6 of the Code of the City of Raleigh.

PROPERTY OWNER	LOCATION	ABATEMENT COST
Mr. and Mrs. James W. Allison, Jr.	2511 Garner Road Lot 64, Map 606 ID. No. 0001580	$158.00

Section 3. That this resolution shall become effective March 20, 1984.

Adopted: March 20, 1984

UNSAFE BUILDING - 416 SOUTH BLOODWORTH STREET - HEARING - ORDINANCE ADOPTED EFFECTIVE APRIL 18, 1984

This was a hearing to consider adoption of an ordinance to declare the dwelling at 416 South Bloodworth Street unsafe and directing demolishing. The property is in the name of Mrs. Sadie J. Love. The Mayor opened the hearing. Mrs. Love indicated she was in accord with demolishing of the building, but she would like to do it herself and she would like a little time to get a permit. Housing Inspections Supervisor Bartholomew indicated he had no problem with the property owner demolishing the dwelling, but she will have to do more than get a permit that the demolishing will have to actually take place. Brief discussion took place and the Mayor ruled the hearing closed. Mr. Walters moved adoption of the ordinance declaring the dwelling at 416 South Bloodworth Street unsafe to be effective April 18, 1984. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. 1984 - 312

AN ORDINANCE FINDING THAT THE BUILDING ON PROPERTY AT 416 SOUTH BLOODWORTH STREET IN THE CITY OF RALEIGH IS UNSAFE AND DIRECTING THAT IT BE DEMOLISHED

WHEREAS, the City Council of the City of Raleigh finds that the building on property described herein is unsafe under the provisions of Part 10, Chapter 6, Article D of the Code of the City of Raleigh, North Carolina and entitled "Unsafe Buildings," that all provisions of said article have been complied with as a condition of the adoption of this ordinance, and

WHEREAS, the Building on said premises should be demolished as directed by the Director of Inspections or his designee for the reason that the same is an unsafe building as described in Part 10, Chapter 6, Article D of the Code of the City of Raleigh.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Department of Inspections of the City of Raleigh be and is hereby authorized and directed to demolish the building in the City of Raleigh at the following location:

PROPERTY OWNER	LOCATION
Sadie J. Love	416 S. Bloodworth Street

Section 2. That the cost of demolition of the building shall become a lien upon the land upon which the building was located as provided in Part 12, Chapter 6 of the Code of the City of Raleigh, North Carolina.

Section 3. That this ordinance shall be recorded in the Office of the Register of Deeds of Wake County.

Section 4. That this ordinance shall become effective April 18, 1984.

Adopted: March 20, 1984

Effective: April 18, 1984

AR1006 - WINTHROP DRIVE - HEARING - RESOLUTION ADOPTED

This was a hearing to consider confirmation of charges for the installation of 8-inch sewer main within Winthrop Drive according to charges outlined on Sewer Assessment Roll 1006 as adopted by Resolution 1984-454 on February 7, 1984. City Manager Benton explained the location and the assessment. The Mayor opened the hearing, no one asked to be heard, thus the hearing was closed. Mr. Congleton moved adoption of the resolution confirming charges as outlined. His motion was seconded by Mr. Keller and a roll call vote resulted in the all members voting in the affirmative. The Mayor ruled the motion adopted and the roll confirmed at 8:15.

RESOLUTION NO. 1984 - 481

A RESOLUTION CONFIRMING SPECIAL SEWER ASSESSMENT ROLL 1006

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment roll and notice of the meeting of the City Council hereinafter referred to, published according to law in the Raleigh Times, a newspaper legally qualified to publish legal advertising, and following a public hearing of allegations and objections of all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the 20th day of March, 1984, at the time and place fixed in accordance with statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolution No. 1984-454 adopted on the 7th day of February 1984, which assessments appear on "The City of Raleigh Special Sewer Assessment Roll 1006," against the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon, all as shown on said assessment roll which is hereby incorporated into and made a part of this resolution by reference thereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption of this resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed as provided by Statute.

Section 3. That the terms and manner of the payment of the assessments herein provided for shall be as follows: That said assessment shall be payable in cash, or if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment rolls payable annually upon the unpaid balance of the assessment.

Section 4. That the assessments confirmed by this resolution and all payments of principal and interest thereof, shall be recorded in "The City of Raleigh Special Assessment Book" which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

Adopted: 3/20/84

ANNEXATION - WALNUT CREEK APARTMENTS - HEARING - ORDINANCE ANNEXING PROPERTY EFFECTIVE JUNE 30, 1984 ADOPTED

A hearing to consider the contiguous annexation of property known as Walnut Creek Apartments. The hearing is pursuant to petition, resolution, notification, and

advertisement as required by law. It is recommended that, following the public hearing if annexation is desired, the effective date is to be June 30, 1984, and the property placed in City Council Electoral District D.

Planning Director Chapman explained the location pointing out his involves some 82 acres and when fully developed would have a population of 1,150 people in 576 apartment units. He explained how the area meets annexation criteria. The Mayor opened the hearing, no one asked to be heard, thus the hearing was closed. Mr. Keller moved adoption of an ordinance annexing the property effective June 30, 1984, and a resolution placing the property in City Council Electoral District D. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 313

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY CONTIGUOUS TO THE CITY LIMITS DESCRIBED AS WALNUT CREEK APARTMENTS

WHEREAS, a petition was filed and found sufficient for the voluntary annexation of said property by the owner(s); and

WHEREAS, pursuant to provisions of Section 160A31 of the General Statutes of North Carolina, a public notice was given by publication in a newspaper in Wake County with a general circulation in the municipality, describing by metes and bounds the territory herein described to be annexed to the City of Raleigh, notifying residents of the City of Raleigh that a meeting of the City Council would be held on March 20, 1984, at 7:00 p.m., or as soon thereafter as the matter could be heard, in the Council Chamber, for the purpose of considering the annexation of such territory to the municipality; and

WHEREAS, any and all comments were heard and considered at said public hearing; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following described property be and the same is hereby annexed to the City of Raleigh as of June 30, 1984:

ANNEXATION DESCRIPTION
WALNUT CREEK APARTMENTS

BEGINNING at a point in the existing (3/1/84) Raleigh City Limits, said point being the point of intersection of the eastern right-of-way line of Lake Dam Road with the center line of Walnut Creek; thence easterly with the center line of Walnut Creek and said City Limits 450 feet ± in an easterly direction to a point in the center line of said Creek; thence leaving said City Limits with the northern line of the Linpro Company property the following courses and distances: South 02° 07' 46" West 110 feet ± to a new iron pipe; runs thence South 60° 50' 57" East 179.07 feet to a new iron pipe; runs thence South 16° 34' 41" East 105.32 feet to a new iron pipe; runs thence South 34° 03' 49" East 71.20 feet to a new iron pipe; runs thence South 57° 18' 12" East 111.44 feet to a new iron pipe; runs thence South 33° 44' 51" east 117.93 feet to a new iron pipe; runs thence South 15° 54' 42" East 113.63 feet to a new iron pipe; runs thence South 25° 35' 18" West 35.11 feet to a new iron pipe; runs thence South 87° 03' 19" East 432.17 feet to an existing iron pin; runs thence South 01° 36' 36" West 408.38 feet to a new iron pipe in the western right-of-way line of Gorman Street, said point also being in said City Limits; runs thence with said right-of-way line of Gorman Street and said City Limits the following courses and distances: along a curve to the left having a radius of 2407.73 feet and a delta of 11° 16' 53" an arc distance of 474.08 feet in a southerly direction to a point, South 21° 25' 04" West 51.01 feet to a point, and South 18° 56' 38" West 101.00 feet to a point, South 15° 41' 05" West 94.03 feet to a point, South 14° 30' 00" West 72.88 feet to a point, and South 13° 14' 49" West 57.70 feet to an iron pipe; thence leaving said right-of-way line and said City Limits North 85° 06' 46" West 119.94 feet to a point; thence South 13° 06' 18" West 116.95 feet to an iron pipe on the western right-of-way line of Gorman Street; thence along the western right-of-way line of Gorman Street the following courses and distances: South 14° 02' 57" West 583.62 feet to an iron pipe, South 11° 58' 12" West 114.99 feet to an iron pipe, South 11° 58' 12" West 114.92 feet to an iron pipe, and South 11° 49' 15" West 60.25 feet to an iron pipe located where the western right-of-way line of Gorman Street intersects the northern right-of-way line of a ramp leading to the southern loop of the Raleigh Beltline (The Tom Bradshaw Freeway); thence along the northern right-of-way line of the Beltline ramp the following courses and distances: southwesterly along a curve to the left, said curve having a radius of 968.51 feet, an arc distance of 364.80 feet to an iron pipe, south 64° 38' 55" West 218.51 feet to an iron pipe, South 62° 13' 03" West 250.07 feet to an iron pipe, South 64° 06' 31" West 184.23 feet to an iron pipe, and westerly along a curve to the right, said curve having a radius of 804.93 feet, an arc distance of 359.62 feet to a concrete monument located on the northern right-of-way line of the ramp where it intersects the eastern right-of-way line of Lake Dam Road; thence along the eastern right-of-way line of Lake Dam road the following courses and distances: North 25° 08' 30" West 125.77 feet to a concrete monument, North 30° 35' 04" East 74.94 feet to a concrete monument, North 59° 36' 25" West 30.01 feet to a concrete monument, North 31° 29' 19" East 333.49 feet to an iron pipe, northerly along a 1101.00-foot-radius curve to the left having a delta of 30° 27' 08" and an arc distance of 601.12 feet to an iron pipe, North 01° 02' 11" East 791.58 feet to an iron pipe, northerly along a

733.94-foot-radius curve to the right having a delta of 26° 43' 12" and an arc distance of 342.27 feet to an iron pipe, North 27° 45' 21" East 427.15 feet to an iron pipe, northerly along a 1093.76-foot-radius curve to the left having a delta of 24° 14' 36" and an arc distance of 462.80 feet to an iron pipe, and North 03° 30' 47" East 414.26 feet to the point and place of BEGINNING, containing approximately 82.39 acres and being the Walnut Creek Apartments, all as shown on that survey entitled, "Boundary Map, Linpro North Carolina Apartments I Limited, Swift Creek Twp., Wake Co., NC," dated 8 December 1983 by Jim Murphy of Murphy & Associates, Registered Land Surveyor.

Section 2. It being understood and agreed that the developer will at his expense construct streets and install utilities within the annexed area.

Section 3. That the Mayor of the City of Raleigh shall cause an accurate map of such annexed territory, together with a copy of this ordinance, duly certified, to be recorded in the office of the Register of Deeds for Wake County, and in the office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective June 30, 1984.

Adopted: 3/20/84

Effective: 6/30/84

RESOLUTION NO. (1984) 482

A RESOLUTION TO AUTHORIZE THE INCLUSION OF WALNUT CREEK APARTMENTS IN CITY ELECTORAL DISTRICT D

WHEREAS, the City Council of the City of Raleigh did, by Ordinance No. (1984) 313 adopted March 20, 1984, annex a parcel of land being commonly referred to as Walnut Creek Apartments; and

WHEREAS, any such annexation must be assigned to one of the City's five voting districts to assure adequate representation of the residents thereof; and

WHEREAS, District D is the logical place to assign this annexation due to its proximity to the newly annexed area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the area known as Walnut Creek Apartments as described in Ordinance No. (1984) 313 be added to City Electoral District D.

Adopted: 3/20/84

Effective: 6/30/84

PU 1984-1 - MILLBROOK ROAD NEW ALIGNMENT - HEARING - RESOLUTION ADOPTED

This was a hearing to consider the installation of approximately 1400 feet of 8-inch sanitary sewer main within the new Millbrook Road right-of-way with assessment on the front footage basis to apply. Assistant Public Utilities Director Simmons explained the proposal. Brief discussion took place on how this came about with City Manager Benton explained Lincoln Development's involvement in the extension of the sanitary sewer westward. The Mayor opened the hearing, no one asked to be heard, thus the hearing was closed. Ms. Cates moved adoption of a resolution directing the installation of the line as outlined. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1984-483

A RESOLUTION TO DIRECT THAT THE SANITARY SEWER SYSTEM OF THE CITY OF RALEIGH BE EXTENDED AND TO ASSESS COST AGAINST LAND ASSESSABLE THEREFORE

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the cost thereof assessed against abutting property assessable therefore; and

WHEREAS, a preliminary resolution has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

PU-1984-1 - Installation of approximately 1400 feet of 8-inch sanitary sewer main in the new alignment of Millbrook Road.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to provisions of Part 8, Chapter 2, Article B, Section 8-2033 et.

seq. of the City Code be assessed against the property receiving the improvement. Assessment will be made according to the following method: Front footage of property abutting the extension.

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: March 20, 1984

ADJOURNMENT

There being no further business, Mayor Upchurch announced the meeting adjourned at 8:30 p.m.

Gail G. Smith
City Clerk

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